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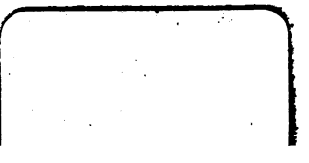

MANUAL

OF THE

CONSTITUTION

OF THE

STATE OF NEW HAMPSHIRE.

Secretary of State

COMPILED FROM OFFICIAL SOURCES AND EDITED, WITH SKETCH OF THE CONSTITUTIONS OF THE STATE, THE BASIS OF REPRESENTATION, AND APPENDIX,

BY

JAMES FAIRBANKS COLBY.

REVISION OF 1912.

CONCORD, 1912.

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PREFACE.

This manual has been prepared, pursuant to a vote of the Governor and Council, for the use of the constitutional convention. This fact has determined both its contents and its form.

The text of the constitution of New Hampshire herewith printed as now in force, is based upon the earliest engrossed copy in existence, that of the constitution as amended in 1792.

The sketch of the constitutions of the state is limited to a simple narrative of events, without any attempt to unfold their casual relations. No work of that character can be written properly until numerous manuscripts now in the British or American archives, and important records in possession of the state or its towns are made more accessible to historical students. The same general causes that have governed the constitutional development of the other New England states have been at work in New Hampshire, but its organic law is not without distinguishing marks. The temporary constitution of January 5, 1776, was the first frame of government adopted by any of the thirteen original states which, though not a grant of powers, was deemed by the people to be a fundamental law. The permanent constitution, established October 31, 1783, and drafted in all its important provisions by the statesman of the American Revolution, John Adams, was unchanged for sixty years, 1792-1852, a fact unparalleled among the other states except Rhode Island and New Jersey, and now has been in force one hundred and twenty years, a longer time than the organic law of any other American commonwealth except Massachusetts.

The popular vote by which this enduring constitution was ratified, taken in different towns on different days during the three months preceding its establishment, is unrecorded.

A reprint of this manual having been ordered by the Governor and Council for the use of the approaching constitutional convention, endeavor has been made to correct such errors as have been discovered in the first edition, and to supplement it with a sketch of the convention of 1902, and other relevant material.

Any attempt to write the constitutional history of New Hampshire still being premature, as it was ten years ago, both the contents and form of this revision have been determined, as were those of the first edition, by the immediate purpose for which it has been prepared.

A letter from Samuel Philbrick of Kingston to Hon. Josiah Bartlett, recently discovered in a manuscript volume in the library of Dartmouth college, printed upon pages 78, 79, throws some light upon the proceedings of the first session of the convention of 1778.

The draft of an amended constitution of New Hampshire proposed to the people by the convention of 1850-51, which long has been out of print, is reprinted on pages 177-200.

The General Court in 1844, and on five successive occasions during the ten years, 1860-70, when providing for taking the sense of the people upon calling a constitutional convention, sought to limit its action to certain particulars. Such procedure being unusual, extracts from these enactments showing the specific points to which the General Court endeavored to restrict the action of the respective conventions, are inserted in their proper places.

In the sketch of the constitutional convention of 1902 numerous references are made to the pages of its official journal for the fuller treatment of the more important subjects.

The statistical tables included in the Appendix which show the population of New Hampshire and its minor civil divisions have been compiled from the thirteenth census of the United States. The other tables therein printed relating to the number of members in the Senate and House of Representatives of the several states of the Union, the qualifications for the suffrage prescribed by them, the offences for which

they disfranchise, and the methods prescribed by them for amending their constitutions are based upon an exhaustive study of the texts of those instruments which are in force in 1912. The difficulty of accurately summarizing widely different constitutional provisions in the form of a tabular statement is large, but endeavor has been made to minimize any inaccuracy by the appended notes.

My thanks are due for valuable suggestions which have contributed to the improvement of the original edition to Albert S. Batchellor, Editor of State Papers, Chief Justice Frank N. Parsons, and Hon. Joseph B. Walker. I am indebted to William Hugh Mitchell, A. M., of Acworth, New Hampshire, for valuable aid in revising some of the statistical tables, and also in preparing the sketch of the convention of 1902; and to Charles J. Hilkey, Ph. D., Instructor in Political Science in Dartmouth college, for scholarly assistance in revising the tables on suffrage, disfranchisement, and methods of amending constitutions of the several states of the Union.

I am also indebted to the Charles E. Merrill Company of New York, publishers of Laylor's Cyclopedia of Political Science, for the privilege of reprinting the tables on qualifications for suffrage and on disfranchisement, which I prepared for the first edition of that work, but which as now revised and reprinted herewith, in the table between pages 328 and 329 and on pages 329-337, are corrected to 1912.

My special thanks are due to Otis G. Hammond, Assistant State Librarian, for the painstaking and valuable help which he has given me during the progress of this revision, and especially in reading and correcting its proof, which have united to make possible its publication at the date set for the assembling of the constitutional convention.

JAMES F. COLBY.

DARTMOUTH COLLEGE,
Hanover, New Hampshire,
June 1, 1912.

CONSTITUTION

OF THE

STATE OF NEW HAMPSHIRE,

ESTABLISHED OCTOBER 31, 1783, TO TAKE EFFECT JUNE 2, 1784, AS SUBSEQUENTLY AMENDED AND IN FORCE JUNE 5, 1912.

PART FIRST.—BILL OF RIGHTS.

ARTICLE

1. Equality of men; origin and object of government.
2. Natural rights.
3. Society, its organization and purposes.
4. Rights of conscience unalienable.
5. Religious freedom recognized.
6. Public worship of the Deity to be encouraged; right of electing religious teachers; free toleration; existing contracts not affected.
7. State sovereignty.
8. Accountability of magistrates and officers to the people.
9. No hereditary office or place.
10. Right of revolution.
11. Elections and elective franchise.
12. Protection and taxation reciprocal; private property for public use.
13. Conscientiously scrupulous not compellable to bear arms.
14. Legal remedies to be free, complete, and prompt.
15. Accused entitled to full and substantial statement of charge; not obliged to furnish evidence against himself; may produce proofs and be fully heard, etc.

ARTICLE

16. No person to be again tried after an acquittal; trial by jury in capital cases.
17. Criminal trials in county, except in general insurrection.
18. Penalties to be proportioned to offenses; true design of punishment.
19. Searches and seizures regulated.
20. Trial by jury in civil causes; exceptions.
21. Only qualified persons to serve as jurors, and to be fully compensated.
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26. Military, subject to civil power.
27. Quartering of soldiers.
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29. Suspension of laws by legislature only.
30. Freedom of speech.
31. Meetings of legislature, for what purpose.
32. Rights of assembly, instruction and petition.
33. Excessive bail, fines, and punishments prohibited.
34. Martial law limited.
35. The judiciary; tenure of office.
36. Pensions.

ARTICLE

37. The legislative, executive, and judicial departments to be kept separate.
38. Social virtues inculcated.

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4. Power of general court to establish courts.
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34. Senate, judges of their own elections.
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36. Senate to elect their own officers; quorum.
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98. Revision of constitution provided for.
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Note, showing when the different constitutions of the state and the constitutional amendments were adopted.

PART FIRST.

BILL OF RIGHTS.

ARTICLE 1st. All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

Equality of men: origin and object of government. liii,212. lxv,113

[ART.][1]2d. All men have certain natural, essential, and inherent rights, among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and, in a word, of seeking and obtaining happiness.

Natural rights. liii, 9; 398. liv, 117; 590. lxv, 103. lxvii, 59.

[ART.] 3d. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others; and, without such an equivalent, the surrender is void.

Society, its organization and purposes. liii, 9.

[ART.] 4th. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the rights of conscience.

Rights of conscience unalienable. liii, 9. lix, 225.

[ART.] 5th. Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason; and no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshiping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion, provided he doth not disturb the public peace or disturb others in their religious worship.

Religious freedom recognized. liii, 9. lviii, 240. lix, 225. lxiv, 48.

[ART.] 6th. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity and of public instruction in morality and religion, therefore to promote those important purposes, the people of this state have a right to empower, and do hereby fully empower, the legislature to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies within this state to make adequate provision, at their own expense, for the support and main-

Public worship of the Deity to be encouraged. liii, 9. lxvi, 230.

[1] First inserted in this and following articles of Bill of Rights in General Statutes, 1867.

tenance of public Protestant teachers of piety, religion, and morality.

Right of electing religious teachers.
Sm., 1.
liii, 9; 138.
lvi, 508.
lviii, 170.
lxvi, 230.

Provided, notwithstanding, that the several towns, parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination.

Free toleration.
liii, 9.

And every denomination of Christians, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

Existing contracts not affected.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this constitution had not been made.

State sovereignty.
lxvi, 369.

[ART.] 7th. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in congress assembled.

Accountability of magistrates and officers.
lxvi, 369.
lxvii, 49.

[ART.] 8th. All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents and at all times accountable to them.

No hereditary office or place.

[ART.] 9th. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

Right of revolution.
lii, 592.
lxv, 113.

[ART.] 10th. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men, therefore, whenever the ends of government are perverted and public liberty manifestly endangered and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish a new government. The doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

[ART.] 11th. All elections ought to be free; and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office; [but no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write; *provided, however*, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on the first day of January, A. D. 1904.][1]

Elections and elective franchise. lx, 385.

[ART.] 12th. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property. He is, therefore, bound to contribute his share in the expense of such protection, and to yield his personal service, when necessary, or an equivalent. But no part of a man's property shall be taken from him or applied to public uses without his own consent or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they or their representative body have given their consent.

Protection and taxation reciprocal. Private property for public use, etc. i, 120, 130. ii, 22. iii, 534. iv, 568. vii, 35. viii, 398. x, 369. xi, 19. xvii, 47, 64. xxv, 541. xxvii, 183. xxxv, 141. xxxvi, 404. xlvii, 444. l, 591. li, 504. liv, 590. lix, 549. lix, 191; lvi, 399; 514. lviii, 110; 260; 480. lx, 219; 346; 522. lxi, 631. lxii, 66. lxv, 113.

[ART.] 13th. No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent.

Conscientiously scrupulous, not compellable to bear arms.

[ART.] 14th. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character, to obtain right and justice freely, without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Legal remedies to be free, complete, and prompt. xxv, 539, 540. lxi, 610. lxv, 113.

[ART.] 15th. No subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally, described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land.

Accused entitled to full and substantial statement of charge; not obliged to furnish evidence; may produce proofs and be fully heard, etc. Sm., 367. i, 56; 130; 140. xlviii, 57; 398. lii, 459. lv, 179. lviii, 314. lxiii, 406. lxiv, 442; 491. lxvi, 577, 633. lxvii, 279.

[1] Inserted, 1903.

No person to be again tried after an acquittal; trial by jury in capital cases. lxvii, 278, 279, 280.

[ART.] 16th. No subject shall be liable to be tried, after an acquittal, for the same crime or offense; nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

Criminal trials in county, except in general insurrection. xx, 250. lvi, 175. lxi, 423, 426. lxvi, 504.

[ART.] 17th. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offense ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offense may be committed, and, upon their report, the [legislature][1] shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

Penalties to be proportioned to offenses.

[ART.] 18th. All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves and to commit the most flagrant with as little compunction as they do [2] the lightest [offenses].[3] For the same reason, a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishments being to reform, not to exterminate, mankind.

True design of punishment.

Searches and seizures regulated. i, 140. xxv, 541. xxxvi, 64. xlvii, 549. lxvi, 177. lxviii, 48.

[ART.] 19th. [Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order, in a warrant to a civil officer, to make search in suspected places or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought

[1] Substituted for "assembly," 1793.
[2] "Those of" stricken out, 1793.
[3] Substituted for "dye," 1793.

to be issued but in cases and with the formalities prescribed by law.][1]

[ART.] 20th. In all controversies concerning property and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced [and except in cases in which the value in controversy does not exceed one hundred dollars and title of real estate is not concerned],[2] the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relates to mariners' wages, the legislature shall think it necessary hereafter to alter it.

Trial by jury in civil causes. ii, 422. ix, 336. xi, 19. xviii, 389, 415. xix, 362. xxv, 539. xxxv, 134. xli, 550. xlviii, 57. li, 455. lv, 179. lvi, 512. lvii, 55; 110; 146; 334. lviii, 60; 182; 425. lix, 350, 561. lxii, 231. lxv, 201.

[ART.] 21st. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to [be][3] fully compensated for their travel, time, and attendance.

Only qualified persons to serve as jurors, and to be fully compensated.

[ART.] 22d. The *liberty of the press* is essential to the security of freedom in a state; it ought, therefore, to be inviolably preserved.

Liberty of the press.

[ART.] 23d. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offenses. iv, 16; 287. x, 386. xviii, 547. xxiii, 382. xxiv, 351. xxvii, 294. xxxii, 413. xxxix, 304; 377; 505. li, 376, 383; 559. liv, 167. lvi, 466. lxiv, 295; 409. lxv, 37; 126.

Retrospective laws prohibited. Sm., 420. i, 199. iii, 481; 534.

[ART.] 24th. A well-regulated militia is the proper, natural, and sure defense of a state.

Militia.

[ART.] 25th. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

Standing armies.

[ART.] 26th. In all cases and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

Military, subject to civil power.

[ART.] 27th. No soldier, in time of peace, shall be quartered in any house without the consent of the owner; and, in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Quartering of soldiers.

[ART.] 28th. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature, or authority derived from that body.

Taxes to be levied only by the people or legislature. xiv, 98.

[1] Substituted for original article 19, 1793.

[2] Inserted, 1877.

[3] Not in engrossed copy of 1793.

Suspension of laws by the legislature only.

[ART.] 29th. The power of suspending the laws or the execution of them ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of speech.

[ART.] 30th. The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

Meetings of legislature, for what.

[ART.] 31st. [The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.][1]

Rights of assembly, instruction, and petition.

[ART.] 32d. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them and of the grievances they suffer.

Excessive bail, fines, and punishments prohibited. i, 374. xxv, 541.

[ART.] 33d. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Martial law limited.

[ART.] 34th. No person can in any case be subjected to law martial or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

The judiciary; tenure of office, etc. Sm., 226. xxxiii, 89. xlv, 52. lxii, 78. lxiii, 576. lxvi, 503, 524.

[ART.] 35th. [It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the constitution of the state, and that they should have honorable salaries, ascertained and established by standing laws.][2]

Pensions.

[ART.] 36th. Economy being a most essential virtue in all states, especially in a young one, no pension shall be

[1] Substituted for original Article 31, 1793.
[2] Substituted for original Article 35, 1793.

granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

[ART.] 37th. In the government of this state, the three essential powers thereof—to wit, the legislative, executive, and judicial—ought to be kept as separate from, and independent of, each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

The legislative, executive, and judicial departments to be kept separate.
i, 199.
lii, 387.
lviii, 451.
lxiii, 574.

[ART.] 38th. A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

Social virtues inculcated.
lviii, 624.
lxvii, 49.

PART SECOND.

FORM OF GOVERNMENT.

[ART. 1.] [1] The people inhabiting the territory formerly called The Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE STATE OF NEW HAMPSHIRE.

Name of body politic.

GENERAL COURT.

[ART. 2.] The supreme legislative power within this state shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

Legislature, how constituted.
iv, 565.
lviii, 549.

[ART. 3.] The senate and house shall assemble [biennially],[2] on the first Wednesday of [January][3] and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of [January][3] [biennially],[4] and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE.

lxi, 264.
lxiii, 625.
lxvi, 634.
lxvii, 46, 279.

General court, when to meet and dissolve.

[1] First inserted in this and following articles in Revised Statutes, 1842.
[2] Substituted for "every year," 1879.
[3] Substituted for "June," 1889.
[4] Substituted for "annually," 1879.

Power of general court to establish courts.
lxvii, 279.

[ART. 4.] The general court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be holden in the name of the state, for the hearing, trying, and determining all manner of crimes, offenses, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon; to which courts and judicatories are hereby given and granted full power and authority from time to time to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

To make laws, elect officers, define their powers and duties, impose fines, and assess taxes.
i, 53.
iv, 566.
xiii, 536.
xv, 88.
xxviii, 176.
xxx, 279.
xxxviii, 427.
xlii, 373.
xlvi, 415.
xlviii, 59.
liii, 9.
lx, 87; 219, 234. 347.
lxi, 264; 631.
lxiv, 402; 560.
lxv, 42.
lxvii, 279.

[ART. 5.] And, further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle [biennially],[1] or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the [governor][2] of

[1] First inserted in Copy of Constitution in General Laws, 1878, apparently without authority.
[2] Substituted for "president," 1793.

this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same: [*provided*, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.][1]

General court prohibited from authorizing towns to aid certain corporations. lvi, 514.

[ART. 6.] [The public charges of government or any part thereof may be raised by taxation upon polls, estates, and other classes of property, including franchises and property when passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.][2]

Valuation and taxation. lv, 568. viii, 573. lviii, 538. lx, 347.

[ART. 7.] [No member of the general court shall take fees, be of counsel, or act as advocate in any cause before either branch of the legislature; and, upon due proof thereof, such member shall forfeit his seat in the legislature.][3]

Members of legislature not to take fees or act as counsel.

[ART. 8.] [The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently except when the welfare of the state, in the opinion of either branch, shall require secrecy.][3]

Legislature to sit with open doors.

HOUSE OF REPRESENTATIVES.[4]

[ART. 9.] [There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative: *provided*, that no town shall be divided or the boundaries of the

Representatives elected biennially.

Ratio of representation.

[1] Inserted, 1879.
[2] Substituted for original Article 6, 1903.
[3] Inserted, 1793.
[4] Provisions under this head followed those under head "senate" prior to 1793.

wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; *and provided further*, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.][1]

Number of representatives not to be increased by dividing towns.

[ART. 10.][2]

[ART. 10 (11)[3].] [Whenever any town, place, or city ward shall have less than six hundred such inhabitants,[5] the general court [shall][6] authorize such town, place, or ward to elect and send to the general court [a representative][7] such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the general court shall not authorize any [such][7] town, place, or ward to elect and send such representative, except as herein provided.][4]

Small towns may elect a proportionate part of time.

[ART. 11 (12).] The members of the house of representatives shall be chosen [biennially][8] in the month of [November],[15] and shall be the second branch of the legislature.

Biennial election of representatives in November.

[ART. 12 (13).] All persons qualified to vote on the election of senators shall be entitled to vote, within the[9] district [10] where they dwell, in the choice of representatives.

Qualification of electors.

[ART. 13 (14).] Every member of the house of representatives shall be chosen by ballot, and, for two years, at least, next preceding his election, shall have been an inhab-

Representatives, how elected, and qualifications of.
liii, 9.

[1] Substituted for original Article 9, 1878.

[2] Stricken out, 1889. Subject covered by next section.

[3] Indicates numbering of sections previous to 1889.

[4] Substituted for original Article 11, 1878.

[5] "And be so situated that it cannot conveniently be classed with any other town, place, or ward," stricken out, 1889.

[6] Substituted for "may," 1889.

[7] Inserted, 1889.

[8] Substituted for "annually," 1878.

[9] "Town" left out in engrossed copy of 1793, apparently without authority.

[10] "Parish or place" left out in engrossed copy of 1793, apparently without authority.

[15] Substituted for "March," 1878.

itant of this state;[1] shall be, at the time of his election, an inhabitant of the town, parish, or place he may be chosen to represent; [2] and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

Compensation of legislature.

[ART. 14 (15).] [The presiding officers of both houses of the legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of two hundred and fifty dollars, and all other members thereof seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage: *provided, however*, that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days, and the usual mileage.][3]

Vacancies in house, how filled.

[ART. 15 (16).] All intermediate vacancies in the house of representatives may be filled up from time to time in the same manner as [biennial][4] elections are made.

House to impeach before the senate.

[ART. 16 (17).] The house of representatives shall be the grand inquest of the state, and all impeachments made by them shall be heard and tried by the senate.

Money bills to originate in house.

[ART. 17 (18).] All money bills shall originate in the house of representatives, but the senate may propose or concur with amendments, as on other bills.

Power of adjournment limited.

[ART. 18 (19).] The house of representatives shall have power to adjourn themselves, but no longer than two days at a time.

Quorum, what constitutes.

[ART. 19 (20).] A majority of the members of the house of representatives shall be a quorum for doing business, but, when less than two thirds of the representatives elected shall be present, the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

[1] "Shall have an estate within the town, parish or place which he may be chosen to represent of the value of one hundred pounds, one half of which to be a freehold whereof he is seized in his own right" stricken out, 1852.

[2] "Shall be of the Protestant religion" stricken out, 1877.

[3] Section 1 of Amendment 26 of 1793 (which was substituted for original Article 6 under "House of Representatives") stricken out and above inserted, 1889.

[4] Substituted for "annual," 1878.

Privileges of members of the legislature.

[ART. 20 (21).] No member of the house of representatives or senate shall be arrested or held to bail on mesne process during his going to, returning from, or attendance upon, the court.

House to elect speaker and officers, settle rules of proceedings, and punish misconduct. lxiii, 625. lxvi, 383. lxviii, 56.

[ART. 21 (22).] The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house [and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this constitution.][1] They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening or illtreating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance of, the house, or in rescuing any person arrested by order of the house, knowing them to be such.

Senate and executive have like powers; imprisonment limited.

[ART. 22 (23).] The senate [governor][2] and council shall have the same powers in like cases, *provided*, that no imprisonment by either for any offense exceed ten days.

Journals and laws to be published; yeas and nays, and protests. xxxv, 579. lii, 622.

[ART. 23 (24).] The journals of the proceedings and all public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation, and, upon motion made by any one member, the yeas and nays upon any question shall be entered on the journal, and any member of the senate or house of representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

SENATE.[3]

Senate, how constituted; tenure of office.

[ART. 24 (25).] The senate shall consist of [twenty-four][4] members, who shall hold their office for [two

[1] Inserted, 1793.

[2] Substituted for "president," 1793.

[3] Entire provisions relating to senate stricken out and these provisions substituted, 1793.

[4] Substituted for "twelve," 1878.

years][1] from the first Wednesday of [January][2] next ensuing their election.

[ART. 25 (26).] And, that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into [twenty-four][3] districts, as nearly equal as may be without dividing towns and unincorporated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district. Senatorial districts, how constituted.

[ART. 26 (27).] The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall [biennially],[4] give in their votes for a senator at some meeting holden in the month of [November].[5] Election of senators. xliv, 635. xlv, 597.

[ART. 27 (28).] The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the [biennial][6] or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden [biennially],[4] forever, in the month of [November],[5] to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member. Senators, how and by whom chosen; right of suffrage. xliv, 398, 404. xlvii, 278, 279. lxii, 71.

[ART. 28 (29).] *Provided, nevertheless*, that no person shall be capable of being elected a senator[9] who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and, at the time thereof, he shall be an inhabitant of the district for which he shall be chosen. Qualifications of senators. liii, 9.

[ART. 29 (30).] And every person qualified as the constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office Inhabitant defined. xliv, 404; 635. xlv, 595; 603. xlvii, 278, 279. lx, 385. lxii, 71.

[1] Substituted for "one year," 1878.
[2] Substituted for "June," 1889.
[3] Substituted for "twelve," 1878.
[4] Substituted for "annually," 1878.
[5] Substituted for "March," 1878.
[6] Substituted for "annual," 1878.
[9] "Who is not of the Protestant religion" stricken out, 1877. "And seized of a freehold estate in his own right of the value of two hundred pounds, lying within the state," stricken out, 1852.

or place within this state, in the town, parish, and plantation where he dwelleth and hath his home.

Inhabitants of unincorporated places; their rights. xliv, 635. xlv, 595, 603.

[ART. 30 (31).] And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places, for that purpose, shall be holden [biennially][1] in the month of [November],[2] at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

Biennial meetings, how warned, governed, and conducted; return of votes, etc. xliv, 398, 407. 635. xlv, 597. liii, 473, 640. lviii, 621. lxii, 70. lxvi, 383.

[ART. 31 (32).] The meetings for the choice of governor, council, and senators shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting, receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for and the number of votes for each person; and the town clerk shall make a fair record of the same, at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie thirty days, at least, before the first Wednesday of [January],[3] or to the secretary of the state at least twenty days before the said first Wednesday of [January];[3] and the sheriff of each county or his deputy shall deliver all such certificates by him received into the secretary's office at least twenty days before the first Wednesday of [January].[3]

[1] Substituted for "annually," 1878.
[2] Substituted for "March," 1878.
[3] Subtituted for "June," 1889.

[ART. 32 (33).] And, that there may be a due meeting of senators on the first Wednesday of [January],[1] [biennially],[2] the governor and a majority of the council for the time being shall, as soon as may be, examine the returned copies of such records, and fourteen days before the first Wednesday of [January],[1] he shall issue his summons to such persons as appear to be chosen senators by a majority of votes to attend and take their seats on that day: *provided, nevertheless*, that, for the first year, the said returned copies shall be examined by the president and a majority of the council then in office; and the said president shall, in like manner, notify the persons elected to attend and take their seats accordingly.

Governor and council to count votes for senators and notify the persons elected.
liii, 476; 640.
lvi, 574.
lviii, 621.

[ART. 33 (34).] And, in case there shall not appear to be a senator elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: the members of the house of representatives and such senators as shall be declared elected shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district; and, in this manner, all such vacancies shall be filled up in every district of the state; [all vacancies in the senate arising by death, removal out of the state, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the governor, as soon as may be after such vacancies shall happen.][3]

Vacancies in senate, how filled.

[ART. 34 (35).] The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

Senate judges of their own elections.
lvi, 570, 574.
lxviii, 56.

[ART. 35 (36).] The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time: *provided, nevertheless*, that, whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

Adjournments limited except in impeachment cases.

[ART. 36 (37).] The senate shall appoint their president and other officers, and determine their own rules of proceedings. And not less than [thirteen][4] members of the

Senate to elect their own officers; quorum.

[1] Substituted for "June," 1889.

[2] Substituted for "annually," 1878.

[3] Substituted for "And, in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen," 1889.

[4] Substituted for "seven," 1879.

senate shall make a quorum for doing business; and, when less than [sixteen][1] senators shall be present, the assent of [ten],[2] at least, shall be necessary to render their acts and proceedings valid.

Senate to try impeachments; mode of proceeding.

[ART. 37 (38).] The senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice, or maladministration in office, with full power to issue summons or compulsory process for convening witnesses before them; but, previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, malpractice, or maladministration in office shall be served with an attested copy of the impeachment and order of senate thereon, with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and, such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs and of making his defense by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

Judgment on impeachment limited.

[ART. 38 (39).] Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Chief justice to preside on impeachment of governor. lxvi, 634.

[ART. 39 (40).] Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

[1] Substituted for "eight," 1879.

[2] Substituted for "five," 1879.

EXECUTIVE POWER.

GOVERNOR.[1]

Title of governor. lxvi, 634.

[ART. 40 (41).] There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be *His Excellency*.

Election of governor; return of votes; electors; if no choice, legislature to elect one of two highest candidates. liii, 9. lxvi, 383.

[ART. 41 (42).] The governor shall be chosen [biennially],[2] in the month of [November],[3] and the votes for governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the first Wednesday of [January],[4] to be by them examined; and, in case of an election by a majority of votes through the state, the choice shall be by them declared and published; and the qualifications of electors of the governor shall be the same as those for senators; and, if no person shall have a majority of votes, the senate and house of representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor. And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years.[5]

Qualifications for governor.

In cases of disagreement governor to adjourn or prorogue legislature.

[ART. 42 (43).] In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require; and he shall dissolve the same seven days before the said first Wednesday of [January].[4] And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient, place within the state.

If infectious distemper or other cause exists, may convene them elsewhere.

[1] Entire provisions relating to president stricken out and these provisions substituted, 1793.

[2] Substituted for "annually," 1878.

[3] Substituted for "March," 1878.

[4] Substituted for "June," 1889.

[5] "And unless he shall at the same time have an estate of the value of five hundred pounds, one half of which shall consist of a freehold of his own right within this state" stricken out, 1852. "And unless he shall be of the Protestant religion" stricken out, 1877.

Veto of governor to bills, provisions as to. xlv, 607.

[ART. 43 (44).] Every bill which shall have passed both houses of the general court shall, before it become a law, be presented to the governor; if he approve, he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two thirds of that house, it shall become a law. But, in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not be a law.

Resolves to be treated like bills.

[ART. 44 (45).] Every resolve shall be presented to the governor, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Governor and council to nominate and appoint officers; nomination three days before appointment. lvii, 146.

[ART. 45 (46).] All judicial officers, the attorney-general,[1] coroners,[2] and all officers of the navy and general and field officers of the militia shall be nominated and appointed by the governor and council, and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the council agree thereto.

Governor and council have negative on each other.

[ART. 46 (47).] The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or council who made the same.

Field officers to recommend, and governor to appoint, company officers.

[ART. 47 (48).]. The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers to the governor, who is to issue their

[1] "Solicitors, all sheriffs" stricken out, 1879.

[2] "Registers of probate" stricken out, 1879.

commissions immediately on receipt of such recommendation; [*provided*, that no person shall be so nominated and recommended until he shall have been examined and found duly qualified by an examining board appointed by the governor.][1]

President of senate, etc., to act as governor when office vacant. lxvi, 363.

[ART. 48 (49).] Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state, or otherwise, the president of the senate shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution, the governor is vested with when personally present; but, when the president of the senate shall exercise the office of governor, he shall not hold his office in the senate. [Whenever the chair both of the governor and of the president of the senate shall become vacant, by reason of their death, absence from the state, or otherwise, the speaker of the house shall, during such vacancies, have and exercise all the powers and authorities which, by this constitution, the governor is vested with when personally present; but when the speaker of the house shall exercise the office of governor, he shall not hold his office in the house.][2]

Speaker of house to act when office of president of senate also vacant.

Governor to prorogue or adjourn legislature, and call extra sessions.

[ART. 49 (50).] The governor, with advice of council, shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said court; and, during the sessions of said court, to adjourn or prorogue it to any time the two houses may desire; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

Powers and duties of governor as commander-in-chief; limitation.

[ART. 50 (51).] The governor of this state, for the time being, shall be commander-in-chief of the army and navy, and all the military forces of the state by sea and land; and shall have full power, by himself or by any chief commander or other officer or officers, from time to time to train, instruct, exercise, and govern the militia and navy; and for the special defense and safety of this state, to assemble in martial array and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist, and pursue by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer, by all fitting ways, enterprise, and means, all and every such person and persons as shall

[1] Inserted, 1903.
[2] Inserted, 1889.

at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the army and navy and over the militia in actual service the law martial, in time of war, invasion, and also in rebellion declared by the legislature to exist, as occasion shall necessarily require; and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this state; and, in fine, the governor hereby is intrusted with all other powers incident to the office of captain-general and commander-in-chief and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land: *provided*, that the governor shall not at any time hereafter, by virtue of any power by this constitution granted, or hereafter, to be granted to him by the legislature, transport any of the inhabitants of this state or oblige them to march out of the limits of the same without their free and voluntary consent or the consent of the general court, nor grant commissions for exercising the law martial in any case without the advice and consent of the council.

Pardoning power.

[ART. 51 (52).] The power of pardoning offenses, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offense or offenses intended to be pardoned.

Militia officers, removal of.

[ART. 52 (53).] No officer, duly commissioned to command in the militia, shall be removed from his office but by the address of both houses to the governor or by fair trial in courtmartial pursuant to the laws of the state for the time being.

Staff and non-commissioned officers, by whom appointed.

[ART. 53 (54).] The commanding officers of the regiments shall appoint their adjutants and quartermasters; the brigadiers, their brigade-majors; the major-generals, their aids; the captains and subalterns, their non-commissioned officers.

[ART. 54 (55).] The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law. Division of militia into brigades, regiments, and companies.

[ART. 55 (56).] No moneys shall be issued out of the treasury of this state and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defense of this state and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court. Moneys drawn from treasury only by warrant of governor, pursuant to law.

[ART. 56 (57).] All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same shall, once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and all small arms with their accoutrements, and of all other public property under their care respectively, distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons. And the commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent. Accounts of military stores, etc., to be rendered quarterly.

[ART. 57 (58).] The governor and council shall be compensated for their services, from time to time, by such grants as the general court shall think reasonable. Compensation of governor and council.

[ART. 58 (59).] Permanent and honorable salaries shall be established by law for the justices of the superior court. Salaries of judges.

COUNCIL.[1]

[ART. 59 (60).] There shall be [biennially][2] elected by ballot five councilors, for advising the governor in the executive part of government. The freeholders and other Councilors; mode of election, etc. liii, 9.

[1] Entire provision as to Council stricken out and these provisions substituted, 1793.

[2] Substituted for "annually," 1878.

inhabitants in each county, qualified to vote for senators, shall, sometime in the month of [November],[1] give in their votes for one councilor, which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday of [January].[2]

Vacancies, how filled, etc., if no choice. liii, 9.

[ART. 60 (61).] And the person having a majority of votes in any county shall be considered as duly elected a councilor; but, if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes, in each county and not elected, and out of those two shall elect, by joint ballot, the councilor wanted for such county; and the qualifications for councilors shall be the same as for senator.

Occurring afterward; new election.

[ART. 61 (62).] If any person thus chosen a councilor shall be elected governor or member of either branch of the legislature and shall accept the trust, or if any person elected a councilor shall refuse to accept the office, or in case of the death, resignation, or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed; and the governor shall have full power and authority to convene the council, from time to time, at his discretion; and, with them or the majority of them, may and shall, from time to time, hold a council for ordering and directing the affairs of the state, according to the laws of the land.

Governor to convene; duties.

Impeachment of councilors.

[ART. 62 (63).] The members of the council may be impeached by the house and tried by the senate for bribery, corruption, malpractice, or maladministration.

Secretary to record proceedings of council.

[ART. 63 (64).] The resolutions and advice of the council shall be recorded by the secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

Councilor districts provided for.

[ART. 64 (65).] The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves

[1] Substituted for "March," 1878.

[2] Substituted for "June," 1889.

by the number of ratable polls and proportion of public taxes, each district to elect a councilor; and, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

Elections by legislature may be adjourned from day to day; order thereof.

[ART. 65 (66).] And, whereas the elections appointed to be made by this constitution on the first Wednesday of [January][1] [biennially],[2] by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same be completed. And the order of the elections shall be as follows: The vacancies in the senate, if any, shall be first filled up; the governor shall then be elected, provided there shall be no choice of him by the people; and, afterwards, the two houses shall proceed to fill up the vacancy, if any, in the council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, ETC.

Election of secretary, treasurer, and commissary-general.

[ART. 66 (67).] The secretary, treasurer, and commissary-general shall be chosen by joint ballot of the senators and representatives, assembled in one room.

State records, where kept; duty of secretary. xxxv, 579.

[ART. 67 (68).] The records of the state shall be kept in the office of the secretary, [3] and he shall attend the [governor][4] and council, the senate and representatives, in person or by deputy, as they may require.

Deputy secretary.

[ART. 68 (69).] [The secretary of the state shall at all times have a deputy, to be by him appointed, for whose conduct in office he shall be responsible; and, in case of the death, removal, or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this state until another shall be appointed.][5]

Secretary to give bond.

[ART. 69 (70).] [The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of his trust.][5]

COUNTY TREASURERS, ETC.

County treasurers, registers of pro-

[ART. 70 (71).] [The county treasurers [registers of probate, solicitors, sheriffs],[6] and registers of deeds shall

[1] Substituted for "June," 1889.
[2] Substituted for "annually," 1879.
[3] "Who may appoint his deputies, for whose conduct he shall be answerable," stricken out, 1793.
[4] Substituted for "president," 1793.
[5] Inserted, 1793.
[6] Inserted, 1877.

bate, solicitors, sheriffs, and registers of deeds. vii, 599.

be elected by the inhabitants of the several towns in the several counties in the state, according to the method now practiced and the laws of the state: *provided, nevertheless,* the legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.][1]

Counties may be divided into districts for registering deeds.

[ART. 71 (72).] [And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds; and, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.][2]

JUDICIARY POWER.

Tenure of office to be expressed in commissions; judges to hold office during good behavior, etc.

[ART. 72 (73).] The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this constitution: *provided, nevertheless,* the [governor],[3] with consent of council, may remove them upon the address of both houses of the legislature.

Judges to give opinions, when. xxv, 537. xlv, 607. lvi, 577. lx, 585. lxii, 704. lxiii, 574.

[ART. 73 (74).] Each branch of the legislature, as well as the [governor][3] and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.

Justices of peace commissioned for five years. iii, 408. lvii, 148. lxiii, 37.

[ART. 74 (75).] In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and upon the expiration of any commission, the same may, if necessary,

[1] Substituted for original section, 1793.

[2] Inserted, 1793.

[3] Substituted for "president," 1793.

be renewed, or another person appointed, as shall most conduce to the well being of the state.[1]

[ART. 75 (76).] All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court, until the legislature shall by law make other provision. Divorces and probate appeals, where tried.

[ART. 76 (77).] [The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed [one hundred dollars][2] and title of real estate is not concerned, but with right of appeal to either party to some other court.][3][4] Jurisdiction of justices in civil causes. ii, 422.

[ART. 77 (78).] [No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.][1] Judges and sheriffs, when disqualified by age. lxiii, 37.

[ART. 78 (79).] [No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit, in matters which shall come or be brought before him as judge or justice of the peace.][3] Judges and justices not to act as counsel.

[ART. 79 (80).] [All matters relating to the probate of wills and granting letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days, as the conveniency of the people may require and the legislature from time to time appoint.][3] Jurisdiction and terms of probate courts. xxxix, 110.

[ART. 80 (81).] [No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.][3] Judges and registers of probate not to act as counsel. xlv, 54. li, 600. lviii, 62.

CLERK OF COURTS.

[ART. 81 (82).] [The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerk shall act as an attorney or be of counsel in any cause in the Clerks of courts, by whom appointed. v, 386.

[1] Original section following this section, relating to probate courts, stricken out, 1793.

[2] Substituted for "four pounds," 1877.

[3] Inserted, 1793.

[4] "So that a trial by jury, in the last resort, may be had," stricken out, 1877.

court of which he is clerk, nor shall he draw any writ originating a civil action.][1] [2]

ENCOURAGEMENT OF LITERATURE, TRADE, ETC.

Encouragement of literature, etc.
II, 378.
IVI, 509.
IVIII, 624.

[ART. 82 (83).] Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments, among the people: [*provided, nevertheless*, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination].[3] [Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization, and provision should be made for the supervision and government thereof:—Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign and domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials

[1] Substituted for original section, 1793.
[2] Original section relating to "Delegates to Congress" stricken out 1793.
[3] Inserted, 1877.

doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.][1]

OATH AND SUBSCRIPTIONS.—EXCLUSION FROM OFFICES.—COMMISSIONS.—WRITS.—CONFIRMATION OF LAWS.—HABEAS CORPUS.—THE ENACTING STYLE.—CONTINUANCE OF OFFICERS.—PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION.—ETC.

Oath of civil officers. xxv, 458. li, 128. lxvii, 49.

[ART. 83 (84).] Any person chosen [governor],[2] councilor, senator, or representative, military or civil officer (town officers excepted), accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.:—

[I, A B, do solemnly swear that I will bear faith and true allegiance to the state of New Hampshire and will support the constitution thereof. *So help me God.*][3]

I, A B, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——, according to the best of my abilities, agreeably to the rules and regulations of this constitution and the laws of the state of New Hampshire. *So help me God.*

[Any person having taken and subscribed the oath of allegiance, [and the same being filed in the secretary's office],[4] he shall not be obliged to take said oath again.][5]

Provided, always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing and shall decline taking the said oaths, such [person][3] shall take and subscribe them, omitting the word "*swear*," and likewise the words "*So help me God*," subjoining, instead thereof, "*This I do under the pains and penalties of perjury.*"

Before whom taken.

[ART. 84 (85).] [And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature; and by the senators and representatives first

[1] Inserted, 1903.
[2] Substituted for "president," 1793.
[3] Substituted for original oath, 1793.
[4] Inserted in engrossed copy of Constitution as amended 1793, apparently without authority.
[5] Inserted, 1793.

elected under this constitution, as altered and amended, before the president of the state and a majority of the council then in office, and forever afterwards before the governor and council for the time being; and by all other officers, before such persons and in such manner as the legislature shall from time to time appoint.][1]

Form of commissions.

[ART. 85 (86).] All commissions shall be in the name of the state of New Hampshire, signed by the [governor],[2] and attested by the scretary or his deputy, and shall have the great seal of the state affixed thereto.

Form of writs.
i, 139.
xv, 37.
xix, 394.
xxxii, 87.
lvii, 188.
lxvi, 369.

[ART. 86 (87).] All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the state of New Hampshire, shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but, when such justice shall be interested, then the writ shall bear test of some other justice of the court, to which the same shall be returnable; and be signed by the clerk of such court.

Form of indictments.
ix, 468.
x, 347.

[ART. 87 (88).] All indictments, presentments, and informations shall conclude, "*against the peace and dignity of the state.*"

Suicides and deodands.

[ART. 88 (89).] The estates of such persons as may destroy their own lives shall not for that offense be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Existing laws to continue in force, if not repugnant to constitution.
i, 58, 173.
ii, 44.
iv, 404.
viii, 550.
xiii, 542.
xiv, 284.
xxiv, 223.
xxvii, 512.
xliii, 502.
liv, 286, 548.
lxvi, 300.

[ART. 89 (90).] All the laws which have heretofore been adopted, used, and approved in the province, colony, or state of New Hampshire, and usually practiced on in the courts of law, shall remain and be in full force until altered and repealed by the legislature, such parts thereof only excepted as are repugnant to the rights and liberties contained in this constitution: *provided*, that nothing herein contained, when compared with the twenty-third article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

Habeas corpus.

[ART. 90 (91).] The privilege and benefit of the habeas corpus shall be enjoyed in this state in the most free, easy, cheap, expeditious, and ample manner, and shall not

[1] Substituted for original section, 1793.
[2] Substituted for "president," 1793.

be suspended by the legislature except upon the most urgent and pressing occasions, and for a time not exceeding three months.

Enacting style of statutes.

[ART. 91 (92).] The enacting style, in making and passing acts, statutes, and laws, shall be, *Be it enacted by the Senate and House of Representatives in General Court convened.* lxiii, 575.

Governor and judges prohibited from holding other offices.

[ART. 92 (93).] No [governor][1] or judge of the [supreme judicial][2] court shall hold any office or place under the authority of this state, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justice of the peace throughout the state; nor shall they hold any place or office or receive any pension or salary from any other state, government, or power whatever.

Incompatibility of offices; only two offices of profit to be holden at same time.

[ART. 93 (94).] No person shall be capable of exercising at the same time more than one of the following offices within this state, viz.: judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the [governor][1] or [governor][1] and council, or senate and house of representatives, or superior or inferior courts, military offices and offices of justices of the peace excepted.

Incompatibility of certain offices.

[ART. 94 (95).] [No person holding the office of judge of any court (except special judges), secretary, treasurer of the state, attorney-general, commissary-general, military officers receiving pay from the continent or this state (excepting officers of the militia occasionally called forth on an emergency), register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives or council; but his being chosen and appointed to and accepting the same shall operate as a resignation of their seat in the chair, senate, or house of representatives, or council, and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.][3]

[1] Substituted for "president," 1793.

[2] Substituted for "superior" in engrossed copy of Constitution as amended 1793, apparently without authority.

[3] Substituted for original section, 1793.

Bribery and corruption disqualify for office.

[ART. 95 (96).] No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption in obtaining an election or appointment.

Value of money, how computed.

[ART. 96 (97).] In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.

Constitution, when to take effect.

[ART. 97 (98).] [To the end that there may be no failure of justice or danger to the state by the alterations and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.][1] [2]

Revision of constitution provided for.

[ART. 98 (99).] It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first annual meetings for the choice of senators, after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution; and, the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision; and a return of the number of votes for and against such necessity shall be made by the clerk, sealed up, and directed to the general court at their then next session; and if it shall appear to the general court by such return that the sense of the people of the state has been taken, and that, in the opinion of the majority of the qualified voters in the state present and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose; otherwise, the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned; the delegates to be chosen in the same manner and proportioned as the representatives to the general court; *provided*, that no alterations shall be made in this constitution before the same shall

[1] See act of December 14, 1792.

[2] Substituted for original section, 1793.

be laid before the towns and unincorporated places and approved by two thirds of the qualified voters present and voting on the subject.

Question on revision to be taken every seven years.

[ART. 99 (100).] [And the same method of taking the sense of the people as to a revision of the constitution and calling a convention for that purpose shall be observed afterward, at the expiration of every seven years.][1]

Enrollment of constitution.

[ART. 100 (101.)] This form of government shall be enrolled on parchment and deposited in the secretary's office, and be a part of the laws of the land, and printed copies thereof shall be prefixed to the books containing the laws of this state in all future editions thereof.

[1] Substituted for last section of original Constitution, 1793.

[NOTE.—May 28, 1774, the house of representatives of the province of New Hampshire appointed a committee of seven members "to correspond . . . with the committees . . . in our sister colonies, and to exhibit to this house an account of such their proceedings when required." This committee called a convention of delegates from the several towns at Exeter on July 21, 1774. Four other similar conventions followed, the last one convening on December 21, 1775. On January 5, 1776, the convention resolved itself into a house of representatives and adopted a constitution, the first organic law adopted by any of the states now constituting the American Union. This constitution remained in force and the state was governed under it up to June 2, 1784.

April 6, 1781, the general court under the above constitution instructed the president of the council to call a convention of delegates from the several towns to meet at Concord on the first Tuesday of June, 1781, for the purpose "of forming and laying a permanent plan or system of government for the future happiness and well-being of the good people of this state." This convention continued in existence over two years, during which time two constitutions were framed, submitted to the people, and rejected. A third one which had been approved by the people was established by the convention October 31, 1783, and took effect June 2, 1784.

June 16, 1791, seven years having elapsed since the adoption of the above constitution, the general court called a convention to meet in Concord on the first Wednesday of September, 1791, "to preserve an effectual adherence to the principles of the constitution and to correct any violations thereof as well as to make such alterations as from experience may be found necessary." On the second Wednesday of February, 1792, this convention voted to submit seventy-two amendments to the people and they were submitted on the first Monday in May, 1792. The returns showed some amendments approved and others rejected under the heads, Senate, Governor and Council,—by reason whereof the amendments were rendered inconsistent and contradictory. The convention, therefore, on the last Wednesday of May, 1792, submitted all the provisions under the heads, Senate, Governor and Council for approval by the people. September 5, 1792, the convention canvassed the returns, found the amendments last submitted approved by the people and appointed a committee "to report to the convention a true copy of the constitution as revised and agreed to by the people," which, being done, they passed the following vote: "The returns from the several towns and unincorporated places, being examined, and it appearing that the foregoing Bill of Rights and Form of Government, as amended by the convention, were approved by more than two thirds of the qualified voters present in the meetings and voting upon the question; the same are agreed on and established by the Delegates of the people in convention, and declared to be the civil Constitution of the State of New Hampshire."

In the years 1799, 1806, 1813, 1820, 1832, 1833, 1837, 1844, and 1846 the question of calling a constitutional convention was submitted to the people and they voted in the negative. In 1849 the question was again submitted and was approved by a large majority. The legislature accordingly on July 8, 1850, called a convention at Concord on November 6, 1850. January 3, 1851, this convention submitted several amendments to the people which were all rejected. April 17, 1851, the convention submitted three amendments. By proclamation of the governor dated September 16, 1852, notice was given that one of these amendments had been adopted and two rejected.

In the years 1857, 1860, 1862, 1864, 1868 and 1869 votes were taken upon the question of holding a constitutional convention, but without affirmative action except in the years 1860 and 1864, and in those years the legislature did not deem it expedient to call one. In 1875 a large majority was in favor of holding a convention and the legislature by act dated July 18, 1876, called a convention to meet in Concord on December 6, 1876. This convention proposed amendments changing the Constitution in thirteen particulars, all of which, except two, were adopted by the people, as shown by the governor's proclamation of April 17, 1877.

The people again voted against a constitutional convention in the year 1883. In 1885 a small majority voted in favor of a convention, and the legislature, by act of November 5, 1887, called one to meet at Concord, January 2, 1889. Seven amendments were submitted by this convention, five of which were approved by the people, as shown by the governor's proclamation, dated April 2, 1889.

The sense of the people on the question of holding a constitutional convention was again taken in the years 1894 and 1896 with a negative result.

The people voted for a constitutional convention in 1900 and the legislature by act of March 21, 1901, called one to meet at Concord on December 2, 1902. Ten amendments were submitted by this convention, four of which were approved by the people as shown by the governor's proclamation dated March 26, 1903.

So far as can be ascertained the engrossed copy of the constitution of 1784 is not in existence. In the foregoing copy the engrossed copy as amended in 1792 has been closely followed subject to the amendments of the conventions of 1850, 1876, and 1889.

All amendments are shown by notes at the bottom of the page indicating the year in which they took effect. The amendments of 1792 "so far as relates to the choice of the members of the legislature and the executive officers of the state, county treasurer, and recorder of deeds" took effect on February 1, 1793, and all others on the first Wednesday of June, 1793.

The amendments of 1850 took effect September 16, 1852; those of 1876, August 1, 1877, October 1, 1878, and the first Wednesday of June, 1879, as indicated in the foot notes; those of 1889, April 2, 1889; and those of 1902 on March 26, 1903.

The numbering of the sections of Part II first appeared in the Revised Statutes of 1842. In 1889 when the tenth section of Part II was stricken out all subsequent sections were moved forward with the result of making much confusion in citations. In this copy the former numbering has been placed in a parenthesis at the side of the present number.]

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SKETCH

OF THE

CONSTITUTIONS OF NEW HAMPSHIRE

Name and Bounds. The territory now under the jurisdiction of New Hampshire was included in the grant made by King James I to the Plymouth Company in 1620. The name it bears was used first in the grant made by the Council of that Company to Capt. John Mason of Hampshire, England, in 1629, and was then given to "all that part of the mainland in New England" between the Merrimack and the Piscataqua rivers. After New Hampshire became a province its boundaries were fixed, much the same as now, by royal authority, on the south and east in 1740, and on the west in 1764.

The first patent that purported to include the southern part of what was afterwards New Hampshire was that of the Council of Plymouth in the county of Devon to John Mason and Ferdinando Gorges, as joint proprietors. The grant took the name of the province of Maine, and was described as extending from the Merrimack River to the Sagadahoc or Kennebec. This patent was dated Aug. 22, 1622. 29 State Papers, 23. By the terms of the patent Robert Gorges was appointed Governor and empowered to take possession of the granted territory for the proprietors. 29 State Papers, 28. He came at once to America, and was at David Thomson's house at Little Harbor in 1624. At this time and place Christopher Leavitt, one of his Councillors, was present, and was qualified by taking the oaths of office. The names of Mr. West and the other Councillors are given in articles in Justin Winsor's Narrative and Critical History of America. Governor Gorges's administration of this province of Maine was not

conspicuously successful, for the want of inhabitants. The history of the period discloses nothing very noteworthy.

The patent of Laconia, granted in 1629, seven years after the grant of the province of Maine, contains a description which locates the territory in the region between the northeasterly boundary of the province of Maine and rather indefinite limits farther to the north and west in the vicinity of the Great Lakes. This patent was not intended to conflict with the patent of Maine, and by a fair construction of its terms did not overlie the province of Maine. The grantees of Laconia were to be a trading company. The patent included a small tract near the coast, presumably to afford the company a business location by the sea. Its description was so loose and indefinite that it would doubtless be deemed "void for uncertainty." 29 State Papers, 33.

Mr. Belknap, in the early part of his history of New Hampshire, apparently fails to accurately distinguish the Laconia patent from the province of Maine. What was afterwards the northern part of New Hampshire may have been included in the Laconia patent, but that which was granted as the province of Maine, covering the southern part of what was afterwards New Hampshire, was not a part of Laconia.

The province of Maine existed seven years without conflict with any other patent affecting the territory described in its text. In 1629, however, Mason and Gorges divided the province of Maine into two parts. The divisional line being on the Piscataqua, Gorges had the eastern, and Mason the western part. This partition was by agreement between the parties. The Council of Plymouth, by a grant of the eastern part as the province of Maine to Gorges, and the western part as the province of New Hampshire to Mason, consummated the division made by the original proprietors.

Upon the dissolution of the Council of Plymouth in 1635, just prior to the death of Mason, another patent for the province of Maine was issued to Gorges, and a second patent for the province of New Hampshire to Mason.

A charter for his province was issued to Gorges by the

King in 1639. A copy of an instrument which purports to be a similar charter from the King to Mason for New Hampshire, and to be dated in 1635, has been discovered in recent years, but that the paper represents a genuine grant has never been determined. One of the most serious objections against its authenticity is the fact that it does not appear among the documentary evidence in the trials of the cases of Mason against Waldron in New Hampshire in 1704 and 1707.

See article by Charles Deane, Prince Society publication.

The northern and southern boundaries of the state were the subject of long controversy. The former was definitely settled by the Webster-Ashburton treaty between the United States and Great Britain in 1842, and the latter was not declared established by the General Court until 1901.

Early Government. The first settlements in New Hampshire were made in 1623 near Portsmouth at Little Harbor, at a place which later was called Odiorne's Point, and now is included in the town of Rye, at Dover, on Hilton's Point, in 1628, at Exeter in 1638, and at Hampton in 1639.[1] For several years these early settlements had no general government. The four towns, Dover, Portsmouth, Exeter, and Hampton, were independent communities. Each, though without any delegated power from the Crown, had its government, formed by voluntary agreements, which claimed and exercised both municipal and ecclesiastical jurisdiction. This simple plan of government naturally was a reproduction of the forms with which the settlers had been familiar in the English towns from which they came. When, in 1640, a general government became necessary for these settlements, their political and religious differences prevented its formation. The civil strife which distracted England made appeal to the Crown hopeless, and they sought the protection of Massachusetts. That colony already had construed its charter of 1629, which only vaguely described its northern boundary, to entitle it to

[1] See Notes on First Planting of New Hampshire by John S. Jenness, and Thomson's Indenture, by Charles Deane, reprinted in appendix to State Papers, vol. 25, pp. 661-710 and 711-740. Thomson's Indenture is reprinted from Proceedings of the Mass. Hist. Society, vol. 14, p. 358.

assume jurisdiction over New Hampshire. Accordingly in 1641-43 these New Hampshire towns by formal written agreement, "resigned their jurisdiction to Massachusetts," were guaranteed their liberties, with the privilege of sending deputies to the General Court, and became a part of Norfolk county. This union, convenient to the people of New Hampshire and agreeable to the people of both colonies, was continued until 1679-80, when, the Lords Justices of the King's Bench and Common Pleas having decided that the claim of Massachusetts to jurisdiction over New Hampshire was invalid, a royal order was issued severing them and organizing New Hampshire as a separate royal province.

Provincial Government. This government was erected by the issue of a commission (Provincial Papers, vol. 1, pp. 373-382) from King Charles II to John Cutt, Esq., of Portsmouth, dated Sept. 18, 1679, constituting a President and Council for the province of New Hampshire, appointing him to be its first President, and authorizing them to issue writs for "the calling of a General Assembly, using and observing there such rules and methods as to the persons who are to choose their deputies, and the time and place of meeting, as they shall judge most convenient," and delegating to them specified legislative, executive, and judicial powers, but reserving to the King the right of annulling all their acts, laws, and ordinances. While the rudiments of an earlier organic law applicable to the inhabitants of New Hampshire may be traced in the charter of the Plymouth Company of 1620, in its grant to Mason and his patents to the settlers, in their voluntary combinations, and in their written agreement with Massachusetts in 1641, this commission issued to John Cutt in 1679 marks the formal beginning of constitutional government in New Hampshire.[1]

Despite the appointment in 1685 of Joseph Dudley as President of the Council of New England, the reunion of New Hampshire with Massachusetts from 1690-92, and their administration by the same Governor from 1698 to 1741, New Hampshire continued to be a royal province until the Revolu-

[1] See 1 N. H. Prov. Laws, introductory note.

tion. The fundamental instrument of government of New Hampshire during this period, 1679-1776, though it was violated perhaps as often as followed, was the Cutt commission as formally amended by the commissions of successive royal Governors, and the informal changes wrought in it by the interpretation and administration of the laws by the Governor and Council, sometimes in harmony, but oftener in conflict, with the Assembly of the people. The only part of the form of government of the people of New Hampshire during this period which was ordained and established by themselves is thus described by Dr. Belknap in his History, vol. 2, pp. 89, 90:

. . . An attempt had been made in 1724 to limit the duration of Assemblies to three years, in conformity to the custom of England.[1] At the meeting of the new Assembly, 1728, the first business which they took up was to move for a triennial act. The Lieutenant-Governor was disposed to gratify them. Both houses agreed in framing an act for a triennial Assembly, in which the duration of the present Assembly was limited to three years (unless sooner dissolved by the commander-in-chief), writs were to issue fifteen days, at least, before a new election; the qualification of a Representative was declared to be a freehold estate of three hundred pounds value. The qualification of an elector was a real estate of fifty pounds within the town or precinct where the election should be made; but habitancy was not required in either case; the selectmen of the town, with the moderator of the meeting, were constituted judges of the qualifications of electors, saving an appeal to the House of Representatives. This act having been passed in due form, received the royal approbation, and was the only act which could be called a constitution or form of government established by the people of New Hampshire, all other parts of their government being founded on royal commissions and instructions. But this act was defective in not determining by whom the writs should be issued, and in not describing the places from which the representatives should be called, either by name, extent, or population. This defect gave birth to a long and bitter controversy, as will be seen hereafter.

[1] Previous to that date the term had been indefinite, and Assemblies continued in existence until dissolved by the Governor, when a new election was ordered.

Revolutionary Government. Until July, 1774, the government of New Hampshire in every branch was the government incident to a dependent province, amenable to and existing by favor of the mother country. It is a slender thread that connects the government of the province with the government of the state. In the House of Representatives May 28, 1774, notwithstanding Gov. Wentworth's protests of illegality, it was "Voted that the Honorable John Wentworth Esq., Speaker of this House, Samuel Cutts, Esqr., John Giddings Esqr., Clement March Esqr., Josiah Bartlett Esqr., Mr. Henry Prescott & John Pickering Esqrs., be a Committee of this House to correspond as occasion may require with the Committees that are or may be appointed by the several Houses of Representatives in our sister Colonies, and to exhibit to this House an account of such of their proceedings when required."

From this beginning, and through the action of the committee named, which became known as a Committee of Safety, by progressive steps a state was formed.

This committee issued to the several towns a call for an election of delegates to be assembled at Exeter on the twenty-first day of July, 1774. This convention, or First Provincial Congress, as it is generally styled, was succeeded by four other conventions of a similar character.[1] The second convention assembled at Exeter Jan. 25, 1775. The next, styled the Third Provincial Congress, convened at Exeter April 21, 1775, and was dissolved early in May following. The Fourth Provincial Congress convened at Exeter May 17, 1775, and, after successive adjournments, was dissolved Nov. 15, 1775.

During the interval between the meeting and adjournment of this Congress events which seemed to make war inevitable had taken place in several colonies. The last session of the provincial General Assembly was adjourned by Gov. John Wentworth July 15, 1775, by message from Fort William and Mary in Portsmouth harbor, whither he had withdrawn at the

[1] See New Hampshire's Five Provincial Congresses, by Joseph B. Walker, Concord, N. H. (privately printed), 1905.

opening of the revolutionary conflict. On October 18, 1775, New Hampshire, through its delegates in the Continental Congress, petitioned that body to be allowed to set up a government of its own framing as the only means of preventing the greatest confusion, but, in the lingering hope of reconciliation, Congress delayed answer until November 3, when it not only granted the request of New Hampshire, but also advised South Carolina and Virginia to form independent governments.

In the call, therefore, for the Fifth Provincial Congress it was recommended that there be a full and free representation of the people, and that the delegates be authorized to "establish such a form of government as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the province during the continuance of the present dispute between Great Britain and the Colonies."

Soon after the issue of this call Major-General John Sullivan, then in camp near Boston, who, while a delegate to Congress in the fall, had urged that body to grant the request of New Hampshire to be allowed to set up an independent government, addressed a letter to President Meshech Weare of New Hampshire, outlining such a form of government as he deemed it desirable the people of that state now should establish. The large influence of Sullivan in shaping the instrument adopted may be discovered not only in the correspondence of the period, but also by comparison of his letter with the temporary constitution. The letter reads as follows:

GENERAL SULLIVAN TO MESHECH WEARE—ON A PLAN OF GOVERNMENT.

(Copied from Am. Arch., 4 Ser., Vol. IV, p. 241.)

WINTER HILL, December 11, 1775.

Dear Sir: Though continually involved in those difficulties which necessarily attend a military life, I can by no means forget the duty I owe to that province whose generous favours I have so largely shared, and whose generous favours I have so often experienced. Being deeply impressed with gratitude to that truly patriotic colony, and fully sensible that the re-

maining part of my life ought to be devoted to the interests of my country in general and that province in particular, I have stolen a few moments from the busy scenes of war to offer you my thoughts upon a matter which I deem essential to the future welfare of my truly spirited and deserving brethren within that Government. I hear that the Continental Congress has given our province a power to assume government. But the contents of this letter to the Provincial Congress having never transpired, and my friends at the Continental Congress having never informed me but in general terms that we had liberty to assume government, I must conclude that liberty is given to set up and establish a new form of government, for, as we were, properly speaking, a King's government before, the giving us a power to assume government would be giving us a license to assume a form of government which we could never obtain. Taking it therefore for granted that the Congress have given us liberty to set up that form of government which will best answer the true end and design thereof, I shall beg leave to offer you my thoughts upon the subject, leaving you to make such use thereof as your wisdom shall direct.

And, as my ideas of government may in some measure differ from many others, I shall beg leave to premise some few things. And in the first place must observe that all governments are, or ought to be, instituted for the good of the people; and that form of government is most perfect when that design is most nearly and effectually answered.

Secondly. That government which admits of contrary or clashing interests is imperfect, and must work its own ruin whenever one branch has gained a power sufficient to overrule or destroy the other. And the adding a third, with a separate and distinct interest, in imitation of the British constitution, so much celebrated by those who understand nothing of it, is only like two contending powers calling in a third, which is unconnected in interest, to keep the other two in awe till it can gain in power sufficient to destroy them both. And I may almost venture to prophesy that the period is now at hand when the British nation will too late discover the defects in their much boasted constitution, and the ruin of that empire evince to the world the folly and danger of establishing a government consisting of different branches whose interests must ever clash with each other.

Third. That no danger can arise to a state from giving the people a free and full voice in their own government. And that what is called the prerogative of the Crown, or checks upon the licentiousness of the people, are only the children of

designing or ambitious men, no such thing being necessary; for, though many states have been overturned by the rage and violence of the people, yet that spirit of rage and violence has ever been awakened in the first place by the misconduct of their rulers. And, though often carried to the most dangerous heights, so far from being owing to too much power being lodged in the hands of the people, that it is clearly owing to their having too small, and their rulers too extensive a power.

Thus we find Rome enjoyed its liberties until their Dictators and others were clothed with power unknown before, at least in that country; and made in some sort independent of the people; and to this authority, so inconsiderately given, should be charged all the tumults at Rome and the final ruin of that empire. This uncontrollable power, so much sought after by designing men, is made use of to enslave the people, and either brings about that event, or raises the just indignation of the people to extirpate the tyrant thus seeking their ruin. And it sometimes happens that the resentment is so far carried by the fury of an enraged populace as totally to destroy the remains of government, and leave them in a state of anarchy and confusion; and too often have designing persons taken advantage of this confusion and established tyranny in its place.

I am well convinced that people are too fond of their own ease and quiet to rise up in rebellion against government unless when the tyranny becomes intolerable. And their fondness for government must clearly appear from their so often submitting to one tyrant after they had extirpated another, rather than live in a state of anarchy and confusion. I would therefore advise to such a form of government as would admit of but one object to be kept in view, both by the governor and the governed, viz., the good of the whole, that one interest should unite the several governing branches, and that the frequent choice of the rulers by the people should operate as a check upon their conduct, and remind them that a new election would soon honor them for their good conduct or disgrace them for betraying the trust reposed in them.

I by no means object to a Governor, but would have him freely appointed by the people, and dependent upon them, and his appointment not to continue for a long time unless re-elected, at most not exceeding three years, and this appointment to be made by the freeholders in person, and not by their representatives, as that would be putting too dangerous a power in their hands, and possibly a majority of designing men might elect a person to answer their own particular purpose, to the great emolument of those individuals and the op-

pression of their fellow-subjects; whereas, we can never suppose the people to have anything but the true end of government, viz., their own good, in view unless we suppose them idiots or self-murderers. I am likewise much in favor of a Council and House of Representatives, but would have them likewise chosen by the people, and by no means for a longer time than three years; and this mode of choosing would effectually destroy that pernicious power distinguishing Governors, to throw aside those persons who they found would not join them in enslaving the people. The late conduct of Bernard and Hutchinson, and the present unhappy state of the province I am now in, are striking witnesses of the justice of this observation, nor can I see the least reason for a Governor having a power to negative a Speaker of the House.

I would have some rule established for making that person incapable of holding either of the above offices that should, either before or after his election, bribe or treat the voters with intent either to procure an election or reward the electors for having chosen him. Accusation, if against the Governor, to be tried by the two houses; and if against either of the other members, by the Governor and the other members of both houses, he having a vote equal to any other member. And in case judgment should pass against the new elected Governor the old one to remain until a new election be had; and in case he be the same person formerly elected the President of the Council to supply his place till a new election can be made, which President should be appointed by free vote of the members of the Council at their first meeting. The infamous practice of bribing people in Great Britain to sell their votes, and consequently their liberty, must show the danger of permitting so dangerous a practice to be instituted under our constitution, to prevent which, and to guard against the undue influence of persons in power over votes, I would recommend the Pennsylvania method, viz., that every vote should be rolled up, sealed, on the back thereof be noted that it is a vote for a Governor, which should be deposited in a box prepared for that purpose; and a vote for Councillors and Representatives sealed up, noted on the back, brought in as aforesaid, and deposited in separate boxes provided for the purpose. That all voters, having once given in their votes, should pass out, and care be taken that they should not come in again till the voting was over; or, if it be thought more expedient, to let the clerk of the meeting have a perfect list of all votes, with three columns ruled against their names, one marked for a Governor, one for a Representative, and when a person brings in a vote

for one, a mark to be made against his name in that column; and if he brings in for all three at the same time a mark to be made in each column; which I think will effectually prevent any fraud in voting again. The Representatives' box to be examined in meeting, and the election declared. The votes given for Councillors and Governor to be sealed up by the clerk, and forwarded by him to the capital of the province, where, all the votes being had together, a sworn committee should examine the whole and declare the elections. This method, though it may appear somewhat troublesome, will not turn out so upon trial; and it is the most effectual method to secure the freedom of voting, and prevent every species of fraud and connivance.

Any persons who offer themselves as candidates for any berth may, agreeably to the method practised in Pennsylvania, publish their design in newspapers, or communicate it in any other method they may think proper, or leave the people to find out persons of merit and nominate for themselves. All civil officers should be appointed by the three branches, and all military officers by the Governor and Council, and never superseded in commission but by the same power which created them. All laws negatived by a Governor, if revived afterwards and passed by a new House and Council, to be assented to by him at all events, as it would be unreasonable to suppose two houses of Representatives and two sets of Councillors possessed of less wisdom, or to have less understanding of the true interests of the people than a single person has, and that after having a long time to think upon the matter, and to consult their constituents thereon.

And here I must beg leave to observe that however high other people's notions of government may run, and however much they may be disposed to worship a creature of their own creation, I can by no means consent to lodging too much power in the hands of one person, or suffering an interest in government to exist separate from that of the people, or any man to hold an office for the execution of which he is not in some way or other answerable to that people to whom he owes his political existence.

Time will not permit me to go more largely into the subject, but I must leave you to weigh these hints, and make such improvement thereon as your wisdom shall direct; and though my notions of government are somewhat singular, yet I think this plan will be an improvement upon the constitution, by far the happiest I know of. Where I have supposed a defect in that constitution, I have taken the freedom to borrow from

that of Pennsylvania and other governments to supply it; and in some instances have added my own thoughts, which if they have the force of reason in them, will have their weight.

If they should not appear to be founded on reason I must beg you to excuse my giving you trouble, as I sincerely aim to promote the welfare of that colony to which I wish the most lasting happiness.[1]

And assure yourself that I am, with much esteem,

Your most obedient servant,

JOHN SULLIVAN.

The Fifth Provincial Congress, thus summoned for the special work of preparing a new form of government for the state of New Hampshire, and thus advised by one of its most competent and faithful citizens, was convened at Exeter December 21, 1775.

First Constitutional Convention 1775-6.—On the 28th day of December, 1775, the fifth and last Provincial Congress of New Hampshire voted to "take up civil government, to continue during the present contest with Great Britain, and resolve themselves into a House of Representatives, and then choose a Council to continue one year from the 21st day of December current."[2]

On the same day the following gentlemen were appointed a committee to frame and bring in a draft of a new constitution for the rule and government of this colony:

Matthew Thornton, Meshech Weare, Ebenezer Thompson, Wyseman Claggett, and Benjamin Giles; and two days later John Giddings and Joseph Badger were added to the committee.

On the 5th day of January, 1776, the committee reported and the Congress passed the following vote:

That this Congress take up civil government for this colony in manner and form following, viz.:

[1] From 7 N. H. Prov. Papers, 685-688.

This letter as printed in Farmer and Moore's Collections, pp. 272-277, bears date Dec. 12 and has the following postscript:

"P. S. Though I have mentioned three years, I am much in favour of annual elections."

[2] 7 N. H. Prov. Papers, 703-4.

TEMPORARY CONSTITUTION.[1]

IN CONGRESS AT EXETER,

January 5, 1776.

We, the members of the Congress of the colony of New Hampshire, chosen and appointed by the free suffrages of the people of said colony, and authorized and empowered by them to meet together, and use such means and pursue such measures as we should judge best for the public good, and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress, and a recommendation to that purpose having been transmitted to us from the said Congress, have taken into our serious consideration the unhappy circumstances into which this colony is involved by means of many grievous and oppressive acts of the British Parliament, depriving us of our natural and constitutional rights and privileges; to enforce obedience to which acts, a powerful fleet and army have been sent into this country by the ministry of Great Britain, who have exercised a wanton and cruel abuse of their power in destroying the lives and properties of the colonists in many places with fire and sword, taking the ships and lading from many of the honest and industrious inhabitants of this colony employed in commerce agreeable to the laws and customs a long time used here.

The sudden and abrupt departure of His Excellency John Wentworth, Esq., our late Governor, and several of the Council, leaving us destitute of legislation; and no executive courts being open to punish criminal offenders, whereby the lives and properties of the honest people of this colony are liable to the machinations and evil designs of wicked men;

Therefore, for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing a form of government, to continue during the present unhappy and unnatural contest with Great Britain; protesting and declaring that we never sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection while we could enjoy our constitutional rights and privileges, and that we shall rejoice if such a reconciliation between us and our parent state can be effected as shall be approved by the Continental Congress, in whose prudence and wisdom we confide.

1 8 N. H. State Papers, 2-4.

Accordingly, pursuant to the trust reposed in us, we do resolve that this Congress assume the name, power, and authority of a House of Representatives, or Assembly, for the colony of New Hampshire; and that said house then proceed to choose twelve persons, being reputable freeholders and inhabitants within this colony, in the following manner, viz., five in the county of Rockingham, two in the county of Strafford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the legislature by the name of a Council for this colony, to continue as such until the third Wednesday in December next, any seven of whom to be a quorum to do business.

That such Council appoint their President; and in his absence that the senior Councillor preside.

That a Secretary be appointed by both branches, who may be a Councillor or otherwise as they shall choose.

That no act or resolve shall be valid and put into execution unless agreed to and passed by both branches of the legislature.

That all public officers for the said colony and each county for the current year be appointed by the Council and Assembly except the several clerks of the executive courts, who shall be appointed by the justices of the respective courts.

That all bills, resolves, or votes for raising, levying, and collecting money originate in the House of Representatives.

That at any session of the Council and Assembly neither branch shall adjourn for any longer time than from Saturday till the next Monday without consent of the other.

And it is further resolved that if the present unhappy dispute with Great Britain should continue longer than this present year, and the Continental Congress give no instructions or directions to the contrary, the Council be chosen by the people of each respective county in such manner as the Council and House of Representatives shall order.

That general and field officers of the militia, on any vacancy, be appointed by the two houses, and all inferior officers be chosen by the respective companies.

That all officers of the army be appointed by the two houses, except they should direct otherwise in case of any emergency.

That all civil officers for the colony and for each county be appointed, and the time of their continuance in office be determined, by the two houses, except clerks of courts and county treasurers and recorders of deeds.

That a treasurer and a recorder of deeds for each county be annually chosen by the people of each county respectively, the votes for such officers to be returned to the respective courts of general sessions of the peace in the county, there to be ascertained as the Council and Assembly shall hereafter direct.

That precepts in the name of the Council and Assembly, signed by the President of the Council and the Speaker of the House of Representatives, shall issue annually, at or before the first day of November, for the choice of a Council and House of Representatives, to be returned by the third Wednesday in December then next ensuing in such manner as the Council and Assembly shall hereafter prescribe.

COLONY OF NEW HAMPSHIRE.

BY THE COUNCIL AND ASSEMBLY, A PROCLAMATION.

Whereas, the Congress of this colony have, agreeable to a recommendation from the honorable Continental Congress, resolved on and formed themselves upon a plan of government by a Council and House of Representatives, which plan has been published and dispersed through the colony, and is to be in force during the present dispute with Great Britain unless otherwise advised by the Continental Congress; conformable to which said plan of government the Council and Assembly have chosen and appointed the proper officers for the administration of justice in the several counties, who are to be sworn to the faithful discharge of their several trusts, it is therefore expected that no person or persons claim or exercise any civil authority but such as are or may be appointed as aforesaid, on the penalty of being deemed inimical to their country.

Provided, nevertheless, and this proclamation is intended not to interfere with the power of the necessary committees of inspection or safety chosen in the several towns through the colony by virtue and in consequence of any recommendation or resolves of the Continental Congress.

Whereof all persons concerned are to take due notice, and govern themselves accordingly.

And at the same time it is earnestly recommended that in this distressing day of public calamity, when our enemies are watching all opportunities to ensnare and divide us, every one would strive to prevent, and, if possible, to quell all appearance of party spirit, to cultivate and promote peace,

union, and good order, and by all means in their power to discourage profaneness, immorality, and injustice.

By order of the Council and Assembly at Exeter, the 19th day of March, Anno Domini 1776.

M. WEARE,
President of the Council.

E. THOMPSON, *Secretary.*

God save the people.

Character of Government Formed. Chief Justice Joel Parker, commenting upon this form of government in *Brewster* v. *Hough*, 10 N. H., 143, said:

> The constitution of January 5, 1776, was not in fact a grant of power by the people, or an instrument submitted to them for their sanction, but was a form of civil government adopted by a congress of representatives, elected by the inhabitants of the several towns in pursuance of the vote of a convention, and empowered to prosecute such measures as they should deem necessary for the public good during the term of one year.[1] It provided for a form of government to continue during the contest with Great Britain, and was afterwards continued in force one year longer by the vote of the people.

Associate Justice William M. Chase, in an address[2] delivered at Concord November 2, 1902, more fully described the nature and effects of this temporary constitution, as well as the powers which were exercised under it. He said:

> It has been asserted that Virginia was the first of the colonies to adopt a written constitution; but its convention did not assemble until May, 1776, and New Hampshire is entitled to that distinction. This constitution is very brief, containing only about nine hundred words, and nearly half of these are in the preamble. Its brevity is more apparent when it is compared with the present constitution, which contains nearly eleven thousand words. It deals with few subjects only, and is very general in its terms.
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> . . . . . .

[1] The fact that this constitution was never formally submitted to or ratified by the people was deemed by the inhabitants of the Connecticut river towns a sufficient reason for refusing to give allegiance to the Exeter government. See State Builders, p. 18, 19, article by Albert S. Batchellor, Editor of State Papers of New Hampshire.

[2] Published in Independent Statesman of Nov. 6, 1902, and republished in pamphlet form by order of the Constitutional Convention of 1902.

It will be noticed that there was no provision for separate executive and judicial departments of government, and that no restraints were placed upon the Council and Assembly in any direction. These two bodies had full power to exercise all the legislative, executive, and judicial functions of government. This was in accordance with a theory of government then entertained by some of the leading men of the times. It is said that Franklin and Samuel Adams favored it; and the principle was adopted in the first constitutions of Pennsylvania and Georgia.

This constitution was not submitted to the people; but, as has already been intimated, went into effect upon its adoption by the convention, the members of which were clothed with full authority for the purpose. Although adopted as a temporary measure, it continued in force until the first Wednesday of June, 1784, a period of nearly eight years and a half. The Council and Assembly while in session exercised executive authority; and at every adjournment they appointed a committee of safety, consisting of from six to sixteen persons, to act during the recess. By an act passed July 5, 1776, they established courts of law. They changed the name from the Colony of New Hampshire to the State of New Hampshire September 19; and early in the next year, to remove all doubts on the subject, they re-established the general system of laws that was in force when the constitution was adopted, in so far as the laws were not repugnant to the provisions of the constitution.

During the existence of this constitution the legislature raised money by taxation and loans, and apportioned it to public uses, and passed laws relating to marriages, the care of paupers, the regulation of highways, the establishment and regulation of the militia, the punishment of crimes, in short, acted upon all subjects that required legislative action. The statutes so passed covered more than three hundred quarto printed pages. The maintenance of civil government under a fundamental law so incomplete, imperfect, and weak as was this constitution for so long a period, during which the stress and demoralization attending a war of revolution existed, shows that the people generally recognized and respected the rights of individuals, and were able to control their ambitions and jealousies for the common good. Notwithstanding they had rebelled against the existing government they were a law-abiding people.

NEW HAMPSHIRE DECLARATION OF INDEPENDENCE.

On the 11th day of June, 1776, the New Hampshire House of Representatives passed the following vote:

"That Samuel Cutts, Timothy Walker, and John Dudley, Esqrs., be a committee of this House, to join a committee of the honorable board, to make a draft of a declaration of this General Assembly for independence of the United Colonies on Great Britain."

IN COUNCIL, JUNE 11, 1776.

"A vote appointing Sam[1] Cutts, Timothy Walker, and John Dudley a committee, with such as the board should join, to make a draft of a declaration of the General Assembly for independence of the United Colonies on Great Britain brought up, read, and concurred with this amendment, that the committee prepare a draft setting forth the sentiments and opinion of the Council and Assembly of this colony relative to the United Colonies forming themselves into independent states, in order that when passed the same may be transmitted to our delegates at the Continental Congress, and that Messrs. Hurd, Claggett, and the Secretary[1] be added to the committee."[2]

JUNE 15, 1776.

"The committee of both houses, appointed to prepare a draft setting forth the sentiments and opinion of the Council and Assembly of this colony relative to the United Colonies setting up an independent state, made report as on file, which report being read and considered, voted unanimously that the report of said committee be received and accepted, and that the draft by them brought in be sent to our delegates at the Continental Congress forthwith as the sense of this House."

INDEPENDENCE.[3]

The draft made by the committee of both houses relating to independency is as follows, viz.:

Whereas it now appears an undoubted fact that, notwithstanding all the dutiful petitions and decent remonstrances

[1] Ebenezer Thompson.

[2] 8 N. H. State Papers, 138-9.

[3] 8 N. H. State Papers, 149-50.

from the American colonies, and the utmost exertions of their best friends in England on their behalf, the British ministry, arbitrary and vindictive, are yet determined to reduce by fire and sword our bleeding country to their absolute obedience; and for this purpose, in addition to their own forces, have engaged great numbers of foreign mercenaries who may now be on their passage here, accompanied by a formidable fleet, to ravage and plunder the seacoast; from all which we may reasonably expect the most dismal scenes of distress the ensuing year, unless we exert ourselves by every means and precaution possible; and whereas we of this colony of New Hampshire have the example of several of the most respectable of our sister colonies before us for entering upon that most important step of a disunion from Great Britain, and declaring ourselves free and independent of the Crown thereof, being impelled thereto by the most violent and injurious treatment; and it appearing absolutely necessary in this most critical juncture of our public affairs that the honorable the Continental Congress, who have this important object under their immediate consideration, should be also informed of our resolutions thereon without loss of time, we do hereby declare that it is the opinion of this Assembly that our delegates at the Continental Congress should be instructed, and they are hereby instructed, to join with the other colonies in declaring the thirteen United Colonies a free and independent State, solemnly pledging our faith and honor that we will, on our parts, support the measure with our lives and fortunes; and that, in consequence thereof, they, the Continental Congress, on whose wisdom, fidelity, and integrity we rely, may enter into and form such alliances as they may judge most conducive to the present safety and future advantage of these American colonies; provided the regulation of our internal police be under the direction of our own Assembly.

Entered according to the original.

Att:—NOAH EMERY,
Clk. H. Reps.

PREPARATION FOR ANOTHER CONVENTION.[1]

IN THE HOUSE OF REPRESENTATIVES.

December 27, 1777.

Voted that it be recommended to the several towns, parishes, and places in this state, if they see fit, to instruct their

[1] 8 N. H. State Papers, 757-774.

Representatives at the next session to appoint and call a full and free representation of all the people in this state, to meet in convention at such time and place as shall be appointed by the General Assembly, for the sole purpose of framing and laying a permanent plan or system for the future government of this state.

There is no record that this vote was received and acted on by the Council.

IN THE HOUSE OF REPRESENTATIVES.

February 20, 1778.

Voted that this house resolve themselves into a committee of the whole to join the honorable board, if they see fit, to consider of the confederation formed by the honorable the Continental Congress, and also of the calling a full and free representation of all the people of this state for the sole purpose of forming a permanent plan or system for the future government of this state.

FEBRUARY 25, 1778.

According to order of the day, the committee of both houses being met in the Assembly chamber to consider of the matter and manner of calling a full and free representation of all the people in this state for the sole purpose of forming and laying a permanent plan or system for the future government of this state,—

The Honorable Meshech Weare, Esq., in the chair, proceeded to consider of the matters to them referred, and after some time spent thereon, the committee agreed to report that a full and free representation of all the people of this state be called as soon as conveniently may be for said purpose.

That the convention be on the second Wednesday in June next; that they meet at Concord in this state.

That each town, parish, or precinct sending a member or members to said convention pay their own members for their time and expense.

That when the said convention have formed such plan of government they lay the same before their constituents for their approbation before the same shall take effect; that such plan shall not take effect until three quarters of the people of this state shall consent thereto.

The committee then adjourned to 3 o'clock P. M.

WEDNESDAY, 25th, P. M.

The committee met according to adjournment, and proceeded to the business to them referred, and, after some time spent thereon, agree further to report that the foregoing articles of direction be not recommendatory, but directory; and that precepts issue to each town, parish, and district in this state, if they see fit, to send one or more members to the said convention, saving to any two or more towns, parishes, or districts, if they see fit, to join together in electing and sending one member to represent them in said convention.

The committee then dissolved, and the Speaker resumed the chair, and the above report being read and considered, voted that the same be received and accepted.

IN COUNCIL MARCH 4, 1778.

Vote to accept the report of the committee of both houses for calling a convention to meet at Concord to form a new system of government brought up, read, and concurred.

Second Constitutional Convention, 1778.—This convention met in accordance with the foregoing vote at Concord the second Wednesday in June, 1778. "Meshech Weare was chosen President and Ebenezer Thompson, Secretary."

No copy of the journal of this convention is known to be in existence. Mr. G. Parker Lyon compiled from town records a list of the delegates. From this list it seems that about ninety towns were represented by seventy-four delegates. Among the more prominent members were John Langdon of Portsmouth; Nathaniel Folsom and John Pickering of Exeter; Matthew Thornton of Londonderry; John Dudley of Raymond; John McClary of Epsom; Timothy Walker of Concord; Joseph Badger of Gilmanton; Timothy Farrar of New Ipswich; and John Bell of Londonderry.

The following letters[1] from Samuel Philbrick of Kingston, who was a member of this convention, addressed to Hon. Josiah Bartlett, Esq., member of Congress at Yorktown, give the fullest account now known of the proceedings of the first session of this convention. Though the earlier letter is un-

[1] Manuscript volume of correspondence of Hon. Josiah Bartlett in library of Dartmouth College.

signed, it is in the same handwriting, and upon the reverse side of the sheet on which the later signed letter is written.

JUNE 10, 1778.

The Convention met at Concord and made choice of the Hon. M. Weare as their President and the Hon. E. Thompson, Clerk, and after adopting some rules for the government of the members, first, voted that they would proceed to frame a plan of government, secondly, voted that there shall be a Bill of Rights, thirdly, after a long and tedious debate, voted by a great majority that the legislative authority shall be lodged in two branches known by the name of the Council and Assembly of the State of New Hampshire. Fourthly, voted that each town consisting of one hundred families shall have a right to choose a representative, and the large towns in that proportion, and that the small towns shall be coupled until they arrive to that number, and then they shall have an equal right to send by themselves, all which was largely disputed and went heavily, etc. Fifthly, voted that each town or district that shall send a representative shall pay their own member. Sixthly, voted that the Council shall consist of twelve members, and be chosen in each county by the inhabitants thereof in proportion to the number of inhabitants in each of said counties, supposing it will be in the same proportion as we now choose.

Voted that every person paying taxes shall be a legal voter. Voted that every person that is elected in either house shall have an estate that is worth at least two hundred pounds, one half real. Voted that no person shall be chosen as a member of the Assembly until he has been an inhabitant of the town or district that elects him one year at least before he is elected. Voted that no person shall be elected to serve in either house or appointed into any executive or judicial office but such as profess the Protestant religion. Voted that the Council and Assembly shall be chosen annually. Voted that those towns that used to send a member or members under the British Government retain their former privileges. This vote went heavily. Voted that the supreme executive authority shall not be wholly separated from the legislative. This was argued almost two half days, a large number insisting upon having the supreme executive authority lodged in one man with the advice of a Privy Council, and some few that it is most proper to be lodged in one man only, he to be elected annually, but the greater number that it is most safe in the hands of the Council and Assembly. In a particular

manner to appoint the Secretary and judges of the superior and inferior courts, etc.

Having proceeded thus far it was thought advisable to choose a committee to frame the plan of government, and accordingly voted that the Hon. M. Weare, Hon. M. Thornton, Hon. T. Walker, Hon. J. Langdon, & N. Peabody, Esqrs., Rockingham; the Hon. E. Thompson and S. Livermore, Esq., Strafford; Col. M. Nichols and S. Farrier, Esqrs., Hillsborough; Hon. S. Ashley and B. Giles, Esqs., Cheshire, and one Mr. Hovey, of the county of Grafton, be the committee for the above purpose.

Then voted to adjourn to the 13th day of next October, then to meet at Concord, etc.

Thus I have given Your Honor a short sketch of what passed in the Convention, etc.

DEAR SIR;

I have taken this opportunity of giving you the earliest information of what the convention of this state have done relative to framing a plan of government, and I should be very glad if your Honor would make such remarks on any or all the votes as you in your wisdom shall think ought to be altered and favor me with the same before the convention meets again to receive the form or plan of government from the Committee. * * *

I remain,

Your most obedient and very humble servant,

SAMUEL PHILBRICK,

Kingstown

To June 17, 1778.

The Hon. Josiah Bartlett, Esq.

"1779, June 5th, this convention completed a constitution, chose a committee (Col. Thornton and Col. Bartlett), 'to get this constitution printed, and transmit two or more copies of the same to each and every town to which precepts were sent, and publish the same in the New Hampshire newspapers.' Returns were ordered to be made, 'of the number of voters present at such meeting, and how many voted for receiving said plan, and how many for rejecting the same, unto this convention at Concord, in this state, on the third Tuesday in September next.'" The constitution thus proposed was signed by John Langdon, Pres. pro tem., and E. Thompson, Sec.

This convention reassembled at Concord on the day above named, examined the votes, and found the result a total rejection of the new-formed constitution; and the convention dissolved itself from any further proceedings in the formation of a constitution.[1] The following was the plan of government submitted to the people by this convention and rejected:

A DECLARATION OF RIGHTS

AND PLAN OF GOVERNMENT FOR THE STATE OF NEW HAMPSHIRE.

Whereas, by the tyrannical administration of the government of the King and Parliament of Great Britain, this state of New Hampshire, with the other United States of America, have been necessitated to reject the British government and declare themselves independent states; all which is more largely set forth by the Continental Congress in their resolution or declaration of the fourth of July, A. D. 1776;

And whereas it is recommended by the said Continental Congress to each and every of the said United States to establish a form of government most conducive to the welfare thereof;

We, the delegates of the said state of New Hampshire, chosen for the purpose of forming a permanent plan of government, subject to the revisal of our constituents, have composed the following declaration of rights and plan of government, and recommend the same to our constituents for their approbation:

A DECLARATION OF THE RIGHTS OF THE PEOPLE OF THE STATE OF NEW HAMPSHIRE.

First. We declare that we, the people of the state of New Hampshire, are free and independent of the Crown of Great Britain.

Secondly. We, the people of this state, are entitled to life, liberty, and property, and all other immunities and privileges which we heretofore enjoyed.

Thirdly. The common and statute laws of England adopted and used here, and the laws of this state (not inconsistent with said Declaration of Independence) now are and

1 The above facts are gleaned from 9 N. H. State Papers, and from the New Hampshire Register for 1852.

shall be in force here for the welfare and good government of the state, unless the same shall be repealed or altered by the future legislature thereof.

Fourthly. The whole and entire power of government of this state is vested in and must be derived from the people thereof, and from no other source whatsoever.

Fifthly. The future legislature of this state shall make no laws to infringe the rights of conscience or any other of the natural, unalienable rights of men, or contrary to the laws of God, or against the Protestant religion.

Sixthly. The extent of territory of this state is and shall be the same which was under the government of the late Governor John Wentworth, Esq., Governor of New Hampshire; reserving, nevertheless, our claim to the New Hampshire Grants, so called, situate to the west of Connecticut river.

Seventhly. The right of trial by jury in all cases, as heretofore used in this state, shall be preserved inviolate forever.

A PLAN OF GOVERNMENT FOR THE STATE OF NEW HAMPSHIRE.

First. The state of New Hampshire shall be governed by a Council and House of Representatives, to be chosen as hereinafter mentioned, and to be styled the General Court of the State of New Hampshire.

Second. The Council shall consist for the present of twelve members, to be elected out of the several counties in the state in proportion to their respective number of inhabitants.

Third. The numbers belonging to each county for the present, according to said proportion, being as followeth, viz.: to the county of Rockingham, five; to the county of Strafford, two; to the county of Hillsborough, two; to the county of Cheshire, two; to the county of Grafton, one.

Fourth. The number for the county of Rockingham shall not be increased or diminished hereafter, but remain the same; and the numbers for the other counties shall be increased or diminished as their aforesaid proportion to the county of Rockingham may chance to vary.

Fifth. The House of Representatives shall be chosen as follows: every town or parish choosing town officers, amounting to one hundred families and upwards, shall send one Representative for each hundred families they consist of (or such lesser number as they please), or class themselves with some

other towns or parishes that will join in sending a Representative.

Sixth. All other towns and parishes under the number of one hundred families shall have liberty to class themselves together to make the number of one hundred families or upwards, and, being so classed, each class shall send one Representative.

Seventh. The number of Councillors belonging to each county shall be ascertained and done by the General Court every time there is a new proportion made of the state tax, which shall be once in seven years at the least, and oftener if need be.

Eighth. All the male inhabitants of the state of lawful age, paying taxes, and professing the Protestant religion, shall be deemed legal voters in choosing Councillors and Representatives, and having an estate of three hundred pounds, equal to silver at six shillings and eight pence per ounce, one half at least whereof to be real estate, and lying within this state, with the qualifications aforesaid, shall be capable of being elected.

Ninth. The selectmen of each respective town and parish choosing town officers, containing one hundred families or upwards, and also of each respective class of towns classed together as aforesaid, shall notify the legal voters of their respective towns, parishes, or classes, qualified as aforesaid, in the usual way of notifying town meetings, giving fifteen days' notice at least, to meet at some convenient place on the last Wednesday of November annually, to choose Councillors and Representatives.

Tenth. And the voters being met, and the moderator chosen, shall proceed to choose their Representative or Representatives required by this constitution by a majority of the voters present, who shall be notified accordingly, and a return thereof made into the Secretary's office by the first Wednesday of January then next.

Eleventh. And such Representatives shall be paid their wages by their constituents, and for their travel by the state.

Twelfth. And in the choice of Councillors each voter shall deliver his vote to the moderator for the number of Councillors respectively required, with the word Councillors written thereon, and the voter's name indorsed to prevent duplicity.

Thirteenth. These votes shall be sealed up by the moderator, and transmitted by the constable to one of the justices of the inferior court of common pleas for the county before the second Wednesday in December next following.

Fourteenth. And the said justices of the inferior court shall meet together on the said second Wednesday of December annually to count the votes, and the persons that have most votes to the number of Councillors required shall be declared duly elected, and shall be notified by the said justices accordingly, and a return thereof shall be made by them into the Secretary's office by the first Wednesday in January annually.

Fifteenth. And in case any two persons shall have a like number of votes the said justices may determine the choice in favor of which they please.

Sixteenth. The Council and House of Representatives so chosen and returned as aforesaid shall meet on the first Wednesday in January next after their being chosen, at such place as the present or future General Court may from time to time appoint; and, being duly sworn, shall hold their respective places until the first Wednesday in January then next.

Seventeenth. The Council shall choose their President, Vice-President, and Secretary; and the House of Representatives shall choose their Speaker and Clerk.

Eighteenth. The Council and House of Representatives respectively shall determine all disputed elections of their own members, regulate their own proceedings, and, on any vacancy, order a new election to fill up such vacancy.

Nineteenth. The said General Court, elected and constituted as aforesaid, shall be invested with the supreme power of the state. And all acts, resolves, or votes, except grants of money, lands, or other things, may originate in either house; but such grants shall originate in the House of Representatives only.

Twentieth. The said Council and House of Representatives respectively shall have power to adjourn themselves from day to day, but not longer than two days at any one time without concurrence of the other.

Twenty-first. The President of the Council shall hold public correspondence with other states or persons; call the Council together when occasion shall require; and with advice of three or more of the Council shall, from time to time, call the General Court together, if need be, before the time they were adjourned to; and also point out the principal business of their session.

Twenty-second. The military and naval power of the state shall be regulated, and all proper officers thereof appointed, as the legislature by law shall direct from time to time.

Twenty-third. The judges of the superior and inferior courts, judges of probate, judge of admiralty, judge of the maritime court, justices of the peace, sheriffs, coroners, attorney-general, treasurer of the state, and delegates to the Continental Congress, shall be appointed by the said General Court, and commissioned by the President of the Council.

Twenty-fourth. The appointment of registers of deeds, county treasurers, clerks of courts, registers of probate, and all other civil officers whatsoever, not before mentioned, shall be regulated by the laws that now are or that hereafter may be enacted.

Twenty-fifth. All civil officers of the state shall be suitably compensated by fees or salaries for their services.

Twenty-sixth. No member of the General Court shall be judge of the superior court or inferior court, judge or register of probate, or sheriff of any county, or treasurer of the state, or attorney-general, or delegate at the Continental Congress.

Twenty-seventh. And no member of the Council, judge of the superior court, or sheriff, shall hold a commission in the militia, army, or navy of this state.

Twenty-eighth. No member of the House of Representatives shall hold any salary under the government.

Twenty-ninth. The President of the Council, with advice of Council, may grant reprieves not longer than six months, but the General Court only shall have power to pardon offences against the state.

Thirtieth. A quorum of the Council and a quorum of the House of Representatives shall consist of a majority of each house.

Thirty-first. This declaration of rights and plan of government shall have the force of law and be esteemed the fundamental law of the state.

Thirty-second. The General Court shall have no power to alter any part of this constitution. In case they should concur in any proposed alteration, amendment, or addition, the same being agreed to by a majority of the people, shall become valid.

Third Constitutional Convention of 1781-1783.—On March 28, 1781, the House of Representatives voted:

"That a Convention of Delegates from the several Towns & places in this State be called in order to settle a Plan of Government for s^{d} State, & that said Convention be held at Con-

cord in the State aforesaid on the first Tuesday of June next, at three o'clock in the afternoon."

"That Mr. Batcheldor, Mr. Foster, & Col° Mooney, with such of the Hon^bl Board as they shall join, be a Committee to draft the form of a Precept to be sent to the several Towns & places in this State for calling a Convention to settle a plan of Government for s^d State, & lay the same before this House ——— Concurred, and Mr. Clagett & Mr. Gilman joined."

A little over a week later, on April 5, the House, by a yea and nay vote of 31 to 15, passed the following act:—

"Whereas the present situation of affairs in this State make it necessary that a full & free Representation of the Inhabitants thereof should meet in Convention for the sole purpose of forming & laying a permanent Plan or system of Government for the future happiness and well being of the good people of this State, and this house having received instructions from a considerable part of their constituents for that purpose; therefore:

"Voted & Resolved, That the Honourable the President of the Council issue to every Town, Parish & District within that part of this State East of Connecticut River, a Precept recommending them to elect and choose one or more persons as they shall judge it expedient, to convene in Concord in said State on the first Tuesday of June next for the purpose aforesaid—saving to the small Towns liberty to join two or more together if they see fit, to elect & send one person to represent them in said Convention.

"And such system or form of Government as may be agreed upon by such Convention being printed and sent to each and every town, Parish and District in this State for the approbation of the people:—which System or Form of Government being approved by such number of the Inhabitants of this State in their respective town meetings legally called for that purpose, as shall be ordered by said Convention, and a return of such approbation being made to said Convention, and confirmed by them, shall remain as a permanent system or form of Government of this State, and not otherwise: And if the first proposed System or form of Government should be rejected by the People, that the same Convention shall be empowered to proceed and make such amendment and alterations from time to time as may be necessary—*Provided* always that after such alterations, the same be sent out for

the approbation of the People in manner as aforesaid, & that the charge & expense of Such Convention be defrayed by their respective electors."

The Council concurred in this vote on the following day.

Pursuant to the foregoing vote and precept issued a convention of delegates to revise the constitution of New Hampshire met at Concord on the first Tuesday of June, the fifth day of the month, 1781.[1] Tradition assigns the place of meeting to a hall above the store of John Stevens, Esq.

The convention was organized by the election of George Atkinson of Portsmouth as President, and Jonathan Mitchell Sewall, also of Portsmouth, as Secretary. John Sullivan acted as Secretary pro tem. in at least one session in 1782, and Nathaniel Folsom, as President pro tem. in 1783. The membership, as far as it is known, has been compiled from town records by Mr. G. Parker Lyon, who published a list in the New Hampshire Register for 1852, pp. 22-25, of which he was editor. This list, which Dr. Bouton accepted as approximately correct, shows an attendance of only 54 members.[2] Eleven towns voted specifically not to send delegates, while nineteen others failed to send any for reasons stated. The Connecticut river towns, then disaffected, were not repre-

[1] Authorities differ as to date of the first session of the convention. The convention was called for the first Tuesday in June, 1781. Bouton in his History of Concord, Mr. Lyon in the N. H. Register for 1852, and the editor of the N. H. Manual of the General Court for 1889 all accept this date as the correct one. On the other hand the version of the constitution proposed in 1781 given in the Town Papers, v. 9, appendix, is preceded by the words ". . . in convention, begun and held at Concord, on the second Tuesday of June, 1781."

[2] The apparent apathy of many of the towns to the importance of electing delegates to the convention led it to issue an address to the public, published in the N. H. Gazette (Portsmouth), March 2, 1782, of which the following is an extract: "And whereas the major part of the towns thro' the state have hitherto neglected the choosing and sending Delegates to said Convention, agreeably to the Precepts issued by the General Assembly of said State — And Whereas it is of the highest importance that there should be a full and free representation of the people in said Convention, to advise, deliberate, and determine on a matter of such moment to themselves and posterity; and it having been also recommended by the General Assembly — The Convention therefore earnestly request all such towns as have hitherto neglected, to neglect no longer, but to proceed to choose and send to said Convention, one or more members as they shall judge best, and those towns that have already sent, to add other members if they shall think it expedient, or promotive of the general advantage."

sented. Besides the above mentioned officers may be named among the more prominent delegates, John Langdon, Ammi Ruhami Cutter, and John Pickering, of Portsmouth, John Taylor Gilman of Exeter, Timothy Walker, Jr., of Concord, John Dudley of Raymond, John McClary of Epsom, Otis Baker and Joshua Wingate of Dover, and Ebenezer Webster of Salisbury.

Unfortunately the journal of this convention was not preserved, and consequently the records of its proceedings are very meager. The work of the convention, therefore, must be judged largely by its product, the two rejected constitutions, with their accompanying addresses to the people, and the third constitution, which met with the approval of the people and was accepted. In addition to this, however, there may be found in the New Hampshire Register for 1852 a sketch of the convention which the editor compiled from a bound volume of these constitutions formerly belonging to Gov. William Plumer.

It appears that the convention, after having been in session a few days, appointed a committee, of which Nathaniel Peabody of Atkinson and Plaistow was chairman,[1] to draft a constitution, and then adjourned until September 14. On this date it met according to adjournment, agreed upon a form for a constitution,[2] and ordered 700 copies printed and distributed throughout the state. A two-thirds vote was required for acceptance of the constitution; and in case of rejection, either entire or in part, towns were requested to state their reasons for such action.[3] In many instances com-

[1] See sketch of Gen. Nathaniel Peabody in Biographical and Other Articles, p. 140, by William C. Todd.

[2] An Address of the Convention for Framing a New Constitution of Government for the State of New-Hampshire, to the Inhabitants of Said State. New-Hampshire: Printed, and to be Sold, at the Printing-Office in Portsmouth and Exeter. MDCCLXXXI.

[Constitution, pp. 17-62. Original in N. H. State Library.]

[3] In a notice published March 2, 1782, in the N. H. Gazette, pursuant to a resolution of the convention, and signed by President Atkinson and Secretary Sewall, towns were requested "to send their votes respecting the Plan of Government lately sent out for their inspection and revision, to the President or Secretary of said Convention, specifying all their objections and proposed amendments, with the number of votes for and against each article."

mittees were chosen by the towns to draft their reasons, and a member of the committee was appointed to present them to the convention. This session was adjourned to the fourth Wednesday of January, 1782.

Upon the convening of the third session according to adjournment it was found that the proposed constitution had been rejected. The convention then adjourned until the third Wednesday, the 21st of August following, and during this session a new form of constitution[1] was drafted, of which 800 copies were printed and submitted to the people. This was again accompanied by a request that towns voting to reject the whole or any part of the constitution should definitely state their reasons therefor. It was then voted to adjourn to the last Tuesday of December, 1782. At the convening of this session it was found that the second proposed form of constitution had been rejected. An adjournment was therefore made until the first Tuesday of June, 1783. At this session a third form of constitution was drafted and submitted to the people, and, as previously described, in case of rejection, reasons therefor were requested. The convention thereupon adjourned until October 31, 1783, and being duly convened on this day found that the constitution had been accepted.

The above facts, gleaned from Governor Plumer's volume, seem to show that seven sessions were held. Dr. Belknap, in his History of New Hampshire, however, states that there were "no less than nine sessions."[2] The whole time from the beginning of the first session until the constitution was de-

[1] An address of the Convention for Framing a New Constitution or Form of Government for the State of New-Hampshire, to the Inhabitants of Said State.

Exeter, New-Hampshire: Printed in the Year M,DCC,LXXXII.

[Constitution, pp. 17-62. Original in N. H. State Library.]

An Address of the Convention for Framing a Constitution of Government for the People of New-Hampshire, to the Freemen Thereof, Voted at their last Meeting, viz. on the First Tuesday of June 1783.

Printed at Portsmouth. M,DCC,LXXXIII.

[The draft of the constitution to accompany this address was printed in a separate pamphlet. Both are in the N. H. State Library.]

[2] Belknap's History of N. H., vol. 2, p. 435.

clared accepted was two years, four months, and twenty-six days.

The form of constitution finally adopted was modeled very closely after the Massachusetts constitution of 1780, of which Dr. Belknap remarks that it "was supposed to be an improvement on all which had been framed in America."[1] Massachusetts was undoubtedly regarded as a leader among the colonies, and her constitution had the added recommendation of coming from the pen of John Adams. The New Hampshire constitution provided for a smaller Council than that of Massachusetts, and chosen in a different manner. There was a slight difference in the basis of representation; for, while one Representative was allowed, as in Massachusetts, to one hundred and fifty ratable polls, an additional three hundred was required for every additional Representative, the Massachusetts constitution requiring in a similar case but two hundred and twenty-five polls. The declaration of religious belief, and of possession of property, required by the Massachusetts constitution of 1780 (Ch. 6, Art. 1), was omitted by the New Hampshire instrument. There were some other variations of minor importance, such as dates, due probably to convenience and local conditions. Many explanatory clauses present in the Massachusetts constitution were relegated to the address to the people by the New Hampshire convention, and consequently the New Hampshire constitution is more simple and direct in its mode of expression.

Authorship of Constitution and Comparison of its Three Drafts. Associate Justice William M. Chase, in the interesting and valuable address previously cited, referring to the authorship of this constitution, and comparing its three successive drafts, said:

> The first draft of the constitution of 1784, which was the basis of the other two, was modeled after the constitution adopted by the people of Massachusetts in 1780. In fact, the most of its provisions were copied from that constitution almost word for word. The authorship of the Massachusetts constitution is therefore a matter of special interest to us.

[1] Belknap's History of N. H., vol. 2, p. 435.

The original draft of that constitution was prepared by John Adams, and but few changes were made in it prior to its adoption by the people. Governor Bullock[1], in an address before the American Antiquarian Society in 1881, said concerning Mr. Adams's qualifications for this work: "As constitutionalist and publicist all other men of his day came at long interval behind him. Madison and Hamilton were a development of the ten years which followed the full manifestation of his powers. Beyond all his associates in mastery of the whole subject of government, grasping and applying the lessons of historical studies with a prehensile power at that time unprecedented on this continent, and adding to them the original conceptions of a mind of the highest order, he proved of all his contemporaries fittest for constitutional architecture. Having discerned, five years before, in advance of everybody, the solution of independence in directing the colonies to establish local governments, he became doctrinaire to the delegates at Philadelphia. In the confusion and chaos of thought relating to these subjects which brooded over their minds, his counsel was sought by delegates from North Carolina, from Virginia, from New Jersey, to each of whose delegations he furnished formulas of state government; and when he came to the front in the preparation of a constitution for his own state his mind was already stored for the emergency. His share in framing our own government, and his subsequent writings in defense of the general system adopted by the American states, in refutation of the theories of M. Turgot — this defense being published just in time to bear upon the question of the adoption of the constitution of the United States — furnish sufficient excuse, if, indeed, excuse were needed, for his boastful declaration, found in the Warren correspondence * * * 'I made a constitution for Massachusetts which finally made the constitution of the United States.' "

It certainly is not discreditable to the New Hampshire convention that they availed themselves of the fruits of this masterly mind.

The first part of each constitution prepared by this convention consisted of a bill of rights containing 38 articles, and was substantially the same in the three drafts. The rights and principles declared in it are the fruitage of history. It would be unnecessary to assert many of them at the present day in a plan of government, for they would be recognized and respected without such assertion. It was probably unnecessary to declare some of them at that time; but, suffering as the people of the state and their ancestors had from the denial of

[1] Bullock's Addresses, pp. 310-311.

rights which were natural and inherent, they thought it prudent to guard them explicitly from future encroachment. They founded their government in the consent of the governed. They recognized the fact that in giving consent and entering into government the people must surrender some of the rights they might otherwise enjoy, in order to protect others' rights; but they attempted to limit the surrender to the absolute requirements of the change. Some of the rights declared are traceable to the great charter of King John, granted in 1215. Articles 14 and 15 correspond with articles 39 and 40 of that charter, which were as follows:

39. No freeman shall be taken, or imprisoned, or dismissed, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will send upon him, unless by the lawful judgment of his peers, or by the law of the land.

40. We will sell to no man, we will not deny to any man, either justice or right.

The sixth article, recognizing the dependence of the government's safety upon the morality and piety of its citizens, empowered the legislature to authorize towns, parishes, and religious societies to select and maintain Protestant teachers of piety, religion, and morality, with the limitation that no person should be compelled to contribute to the support of the teacher of a denomination or sect to which he did not belong, and that all denominations and sects should stand on the same footing before the law. This article differed from the corresponding article in the Massachusetts bill of rights in this: that, by the latter, the legislature was empowered to require towns, etc., to select and maintain such teachers, and to enjoin upon all the subjects of the state an attendance upon their instructions. Evidently Puritanism did not have quite so strong a hold upon the people of this state as it did in the state it had so great a part in settling and founding. With the exception of this article, and the articles (7, 18, and 21) declaring the right of the people to govern themselves, the correspondence that should exist between the punishment and the nature of the crime to which it is affixed, and the care that should be taken in selecting jurors, the bill of rights was substantially the same as that of the Massachusetts constitution, although the phraseology and the order of arrangement were in some parts slightly changed. It included all the declarations of the bill of rights in the constitution prepared by the prior convention.

The principle on which the plan of government is constructed in the three drafts is the division of the functions of government into three distinct departments, each independent of the

others, the legislative, the executive, and the judicial. The details of the plan are like those of the Massachusetts constitution except in a few particulars, mostly attributable to the differences in the population and other circumstances of the two states. The Massachusetts constitution empowers the legislature to impose and levy reasonable duties and excises. This power was never delegated to the legislature in this state. Nor did any of the convention's drafts provide for a Lieutenant-Governor, an officer required by the Massachusetts constitution.

In all three drafts the supreme legislative power within the state was vested in a Senate consisting of twelve members, and a House of Representatives, each of which had a negative upon the other, and both of which were to assemble on the first Wednesday of June in each year. The principal difference in the provisions of the three on this subject related to the number of members in the House of Representatives. By the first draft the number was fixed at 50, to be chosen by county conventions composed of delegates elected by the towns, they being entitled to one delegate for every 50 ratable polls in the town. By the other two, towns were entitled to one Representative if they had 150 ratable polls, two Representatives if they had 450, and one additional Representative for each additional number of 300 polls. If they had less than 150 ratable polls they were to be classed. This made the number of members variable, increasing as the population increased.

The supreme executive power was lodged in an officer entitled "Governor" in the first two drafts, and "President" in the last. The veto power was conferred upon him in the first two drafts, but was withheld in the last. The following curious provision appears in the second draft: "To prevent an undue influence in this state, which the first magistrate thereof may acquire by the long possession of the important powers and trusts of that office, as also to stimulate others to qualify themselves for the service of the public in the highest stations, no man shall be eligible as Governor of this state more than three years in any seven." The necessity for a stimulus of this kind has long since ceased, if indeed it was then required. By the last draft the Governor, or, as the officer was then named, the President, was to preside in the Senate, and had the same right to vote therein as the senators had. Appointments to office were made by the President and Council, instead of by the President with the advice of the Council. The members of the Council were chosen by the legislature by joint ballot, two of them from members of the Senate, and three from members of the House.

The judicial powers and duties were alike in the three drafts. The tenure of office of judicial officers was during good behavior, but they were subject to removal by the Governor and Council upon address by both houses of the legislature.

Among the other provisions were the requirement, in the first one, of a property qualification to entitle one to vote,— the having of an estate of £100,— and the requirement in all that persons to be eligible to the offices of Governor, Senator and Representative must be of the Protestant religion, and must be seized of an estate of a certain value. In the first draft the value was £1,000 for the office of Governor, £400 for the office of Senator, and £200 for the office of Representative; and in the other two the values were one half these sums. All three drafts provided that the Senate and House of Representatives should elect delegates to Congress to serve for one year. They also contained a provision making it the duty of legislators and magistrates to cherish the interest of literature and the sciences, and all seminaries and public schools, to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality in dealings, sincerity, sobriety, and all social affections and generous sentiments among the people,

The last draft submitted by this convention was approved by the people in 1783, and went into effect on the first Wednesday of June, 1784. It has been amended from time to time in certain particulars, and, as amended, is still the constitution of the state. People sometimes speak of "the constitution of 1792,"[1] but a new constitution was not adopted in that year, and the designation is a misnomer. The state has had only two constitutions, that of 1776 and that of 1784.

CONSTITUTION PROPOSED IN 1781.

AN ADDRESS OF THE CONVENTION FOR FORMING A CONSTITUTION OF GOVERNMENT FOR THE STATE OF NEW HAMPSHIRE, 1781.

Friends and Fellow Citizens: The General Assembly of this state having thought proper to issue precepts to the several towns within the same for choosing delegates to form a convention for the purpose of framing a civil constitution for the people of this state; and the convention having met in consequence of such choice, after maturely deliberating on the important subject, agree to report the following plan,

1 New Hampshire Reports, State v. Saunders, vol. 66, p. 72.

which, with the humblest deference, is submitted to your impartial consideration.

The task of forming a constitution adapted not only to our present situation, but to the probable situation and circumstances of remote posterity, is an arduous one indeed. How far we have succeeded in it you are the sole judges. It is your interest, as well as duty, to examine it with the most critical attention; and it is your unquestionable right to propose such alterations as you may judge necessary, to approve and establish it as it now stands, or wholly to reject it.

A perfect system of government is not to be expected in the present imperfect state of humanity. But, could a faultless one be framed, it would not be universally approved unless its judges were all equally perfect. Much less, then, may we presume to hope that the plan here offered to view will meet with universal approbation. Unanimity of sentiment is seldom to be found in any case; there are many reasons for despairing of it in the present. Besides the common sources for variety of opinions on points in general, there are new and particular ones in the case before us. There is nothing which our open, *avowed* enemies more dread than to see the several states each formed into a permanent and well constructed body politic, as nothing, under God, can more contribute to the stability of their councils or the success of their exertions. Nor have we any reason to doubt but that our *secret, internal enemies* are equally averse thereto. Every artifice will be devised, every effort tried, to frustrate an event equally dreaded by both. Let us guard against their machinations.

Nor is it our *enemies* only we have to dread. We have much to fear from our *friends*, from those who wish well to the common cause, and are equally opposed to the common enemy.

The love of *power* is so alluring, we had almost said infatuating, that few have ever been able to resist its bewitching influence. Wherever power is lodged, there is a constant propensity to enlarge its boundaries. Much more, then, will those with whom it is entrusted agonize to retain all that is expressly delegated to them. When the people of this state first thought proper to assume government for themselves, it was a time of difficulty and peril. That form which was the simplest, and first presented itself to their view in the perturbation of spirits that then prevailed, they adopted without that thorough discussion and calm deliberation which so important an object required. It was not intended to be lasting. It was expressly declared by themselves to be temporary.

In this imperfect form the legislative and executive powers of government were vested in one body, to wit, in a General Court consisting of two branches, a House of Representatives and a Council. Nor was any provision made therein for the exercise of the executive power in the recess of the General Assembly. So great a defect was soon discovered and felt; and the court thus established by the constitution, without any new authority derived from the people, or without even consulting them, patched this flaw by delegating to a number of persons, whom they termed "The Committee of Safety," the executive power, to be by them exercised in the recess of the general assembly; which mode has been since continued, and the committee have made an important part of the government.

A further defect, among innumerable others, is the want of an Exclusion Bill. In consequence of which many of the individuals who compose the aftermentioned body assist in enacting laws, in explaining and applying them, and in carrying them into execution.

Can it seem strange, then, that such persons, and indeed all who are vested with the aforementioned powers, should be backward in receiving and approving of a constitution that so remarkably retrenches them? That sets out in direct opposition to the present one with this position, that the three essential powers of government ought ever to be kept totally independent of each other. It is not strange; it is perfectly natural; and the fact is fully verified by the length of time which the present form of government has been permitted to continue. But we trust you will, with a manly and becoming firmness, oppose every interested adviser, reject every selfish motive, and, with a noble independency of spirit, "even of yourselves judge ye what is right."

Having promised these things, we will proceed to consider as critically as the limits of our time will admit, the frame of government herewith exhibited to your view, its principles, and some of the motives that induce us to prefer it to any other system which occurred to us.

Availing ourselves of the various theories and forms of government we could meet with, whether new or old, examining their principles, and comparing them, as far as we were able with experience, the surest touchstone and most infallible comment, we collected sufficient, and we hope the best, materials for the political building now presented to your view.

The three powers of government before hinted at, to wit, the legislative, or power of making laws, the judicial, or

power of expounding and applying them to each particular case, and the executive, to carry them into effect and give the political machine life and motion, these three important powers we have thought proper to keep as separate and distinct as possible for the following reasons:

If they should be all united the maker of the law would be the interpreter thereof, and might make it speak what language best pleased him, to the total abolition of justice.

If the executive and legislative powers should be vested in one body still greater evils would follow. This body would enact only such laws as it wished to carry into execution, and would, besides, entirely absorb and destroy the judicial power, one of the greatest securities of the life, liberty, and property of the subject; and, in fine, would produce the same system of despotism first mentioned.

And, lastly, should the executive and judicial powers be combined the great barrier against oppression would be at once destroyed; the laws would be made to bend to the will of that power which sought to execute them with the most unbridled rapacity.

These several powers should also be independent; in order to which they are formed with a mutual check upon each other. We shall proceed to consider them distinctly.

The legislative power we have vested in a Senate and House of Representatives (with the reserve hereafter mentioned), each of which branches is to have a negative on the other; and either may originate any bill, except for the grant of monies, which is always to originate in the House. Any alterations or amendments may be proposed by either branch in all cases. We have given the supreme executive power the right of revising and objecting to all the acts passed by the legislature, for reasons hereafter to be mentioned.

The manner of electing the second branch, or House of Representatives, as it is new, requires a particular discussion.

Experience must have convinced every one who has been, in any degree, conversant with the transacting of business in public bodies, that a very large assembly is not the most convenient for the purpose. There is seldom so much order, and never so much dispatch, as is to be found in a smaller body. The reason is obvious. This has given birth to the mode of choosing committees out of the whole body; and experience hath demonstrated its utility. The convention, therefore, were of opinion that the confining this second branch to the number of fifty, which appeared to them sufficiently large

for every purpose, would be attended with the following salutary consequences;

First, there would be, probably, a greater proportion of suitable men than in a larger body. The manner of their choice, they being twice sifted, would likewise greatly promote this. The debates would, of course, be conducted with more wisdom and unanimity. From their numbers, merely, there would be much less confusion and infinitely more dispatch. This would of itself produce an amazing saving in the expense, independent of the difference between paying fifty and three times that number. For these and many other reasons the reducing and confining this branch to a small number was surely an achievement devoutly to be wished. But how was it to be effected? Should the mode hitherto practiced of choosing members be continued, scarce three towns in the state would be each entitled to elect one. Should several towns be joined together till a number sufficiently large was collected to choose a Representative, this would be abridging the privileges of towns, confounding them with each other, and destroying their independence. This has been practiced in some few instances, but has been the source of much complaint and many heavy evils.

The convention, therefore, after revolving the matter with the utmost attention, could hit upon no method that appeared to them, in all respects, so unexceptionable as the one here offered. By allowing every town and parish having fifty ratable polls to elect one member to compose a certain body, out of which the people's representatives are to be chosen, almost every town and parish within the state that would wish to exert the privilege is included, and even such as have less than fifty ratable polls are permitted to join another. Besides, in a few years it is probable there will be no towns which have not fifty families, at least, within the state. The larger towns being permitted to choose in the same proportion renders the representation as equal as the nature of things will admit.

These bodies thus chosen, one in each county, after dividing the districts as mentioned in the constitution, are respectively to choose from among themselves the representatives of the people to sit in the General Court. This mode will be found, perhaps, as free, equal, and perfect, as any that can be devised. The objection that in this way each town will not know, nor have the power of designating its own Representative, will, perhaps, on examination, be found one of the strongest arguments in its favor. Those interested views,

that party spirit and zeal for rivalry, which too often takes place in towns on such occasions, will be hereby in a great measure destroyed; and the people will be under a necessity of acting upon higher and better principles.

The provision for publishing the journals of both houses at the close of each session supersedes another objection that might be started against the want of information among the people, that the smallness of the representative body might otherwise occasion. The only remaining objection of any weight is the ill consequences that may arise from the assembling so large a number of people together at the county conventions. To this it is replied that the county delegates through the state will be divided into five separate and distinct bodies, that all will sit on the same day, and probably not more than one day unless upon extraordinary occasions, that they will be the chosen ones of the people, a most respectable body, with too much business on their hands to allow them time for dissipation, and too much of the people's welfare at their hearts to permit them to sow sedition. And even allowing some of the inconveniences hinted at really to follow, they must be less than if all should unite in one general assembly, and sit, not one or two days only, but half the year, in the proportion of a hundred to one.

We have been thus particular upon this head of representation partly on account of the novelty of the *mode*, and partly from a full conviction of the vast importance of the *thing*. And we leave it for your faithful discussion, observing as we do it that it is what many great, wise, and learned men of our own and other days have wished to see put in practice, and have not seen it.

The choice and powers of the *Senate*, having less of novelty, and being sufficiently explained in the constitution, we shall pass over with a bare mention, and proceed to the executive power.

This power is the active principle in all governments; it is the soul, and without it the body politic is but a dead corpse.

Its department is to put in execution all the laws enacted by the legislative body. It ought, therefore, to have the appointment of all the civil officers of the state. It is at the head of the militia, and therefore should have equally the appointment of all the military officers within the same. Its characteristic requisites are secrecy, vigor, and dispatch. The fewer persons, therefore, this supreme power is trusted with, the greater probability there is that these requisites will be found. The convention, therefore, on the maturest delibera-

tion have thought it best to lodge this power in the hands of *one,* whom they have styled *the Governor.* They have, indeed, arrayed him with honors; they have armed him with power and set him on high. But still he is only the right hand of *your* power, and the mirror of *your* majesty. Every possible provision is made to guard against the abuse of this high betrustment and protect the rights of the people.

The manner of his choice is such that he is the most perfect representative of the people. He can take no one step of importance without the advice of his privy council, and he is elected annually. But, as if this was too little, no one person is capable of being elected oftener than three years in seven. Every necessary and useful qualification is required in him in point of age, religion, residency, and fortune. In addition to all which he is liable for every misconduct to be impeached, tried, and displaced by the two legislative branches, and is amenable to the laws besides, equally with the meanest subject of the state. Thus controlled and checked, himself, the convention thought it reasonable and necessary that he, in turn, should have some check on the legislative power. They therefore gave him the right of objecting to and suspending, though not the absolute control over the acts of that body; which they thought indispensably necessary to repel any encroachments on the executive power, and preserve its independency.

The judicial department falls next under our consideration. This comprehends the judges of the several courts and the justices of peace throughout the state. These are all appointed by the Governor, with the advice of Council, but not removable by him in case of malconduct, but by the legislature, and in no case without the intervention of that body.

The judges all hold their offices during good behavior, the only proper tenure, especially for the judges of the supreme court of judicature, as they ought, in a peculiar manner, to feel themselves independent and free, and as none would be at the pains to qualify themselves for such important places if they were liable to be removed at pleasure. As another inducement for persons so to qualify themselves, as an encouragement to vigilance, and an antidote to bribery and corruption, adequate, honorable, and permanent salaries to the judges of the supreme court in a particular manner we have made essential in the constitution, and do now most strongly recommend.

The alteration of justices' commissions from life to five years is to guard against age, incapacity, and too large a num-

ber, to secure the appointment of the best, and to prevent too frequent addresses and impeachments. You will judge of the propriety and expediency of this innovation, and either give it your sanction or not, as it appears to you best.

The reasons for the Exclusion Bill are too obvious to need pointing out. Sad experience has evinced the necessity of such a provision. Besides the interference of several offices held by the same person in point of time, which we have too often *seen*, and the difficulty of one man's giving his attention to many matters sufficiently to understand them all, which we have too often *felt*, there is a still stronger reason, which is the difficulty of a man's preserving his integrity in discharging the duties of each unstained, at least by suspicion.

From the deepest impression of the vast importance of literature in a free government we have interwoven it with, and made its protection and encouragement a part of the constitution itself.

The bill of rights contains the essential principles of the constitution. It is the foundation on which the whole political fabric is reared, and is, consequently, a most important part thereof.

We have endeavour'd therein to ascertain and define the most important and essential natural rights of men. We have distinguished betwixt the alienable and unalienable rights; for the former of which men may receive an equivalent; for the latter, or the rights of conscience, they can receive none, the world itself being wholly inadequate to the purchase. "For what is a man profited, though he should gain the whole world and lose his own soul?"

The various modes of worship among mankind are founded in their various sentiments and beliefs concerning the Great Object of all religious worship and adoration; therefore to Him alone, and not to man, are they accountable for them.

Thus the convention have endeavoured to explain, as particularly as they could without trespassing on your patience, the reasons and principles upon which they have laboured to form this constitution. They have done it in integrity and faithfulness. They conceived themselves as part of the community for which the constitution is intended, and, therefore, equally interested with the other members in framing the best. Whatever latent defects there may be in it, time will discover them; and at the end of seven years provision is made that they may be amended. Considering, therefore, in

your candour, and humbly imploring on your behalf that assistance which the fountain of wisdom sees you need, we leave it in your hands, and wait with cheerful acquiescence your decision.

In the name and pursuant to a resolution of the convention.

GEORGE ATKINSON, *President.*

Attest. JONA. M. SEWALL, *Secretary.*

THE CONSTITUTION—1784.

CONTAINING A BILL OF RIGHTS, AND FORM OF GOVERNMENT.

Agreed upon by the delegates of the people of the state of New Hampshire in convention held at Concord on the first Tuesday of June, 1783; submitted to and approved of by the people of said state, and established by their delegates in convention October 31, 1783. (This constitution "took place" on the first Wednesday of June, 1784.)

PART I.

THE BILL OF RIGHTS.

I. All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

II. All men have certain natural, essential, and inherent rights, among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and, in a word, of seeking and obtaining happiness.

III. When men enter into a state of society they surrender up some of their natural rights to that society in order to insure the protection of others; and without such an equivalent the surrender is void.

IV. Among the natural rights some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the rights of conscience.

V. Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason; and no subject shall be hurt, molested, or restrained in his person, liberty, or estate for worshiping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments,

or persuasion, provided he doth not disturb the public peace, or disturb others in their religious worship.

VI. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the Deity, and of public instruction in morality and religion, therefore, to promote those important purposes the people of this state have a right to impower, and do hereby fully impower the legislature to authorize from time to time the several towns, parishes, bodies corporate, or religious societies within this state to make adequate provision at their own expense for the support and maintenance of public Protestant teachers of piety, religion, and morality;

Provided, notwithstanding, that the several towns, parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination.

And every denomination of Christians demeaning themselves quietly, and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this constitution had not been made.

VII. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not, or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.

VIII. All power residing originally in and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

IX. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

X. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

XI. All elections ought to be free, and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office.

XII. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they or their representative body have given their consent.

XIII. No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent.

XIV. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character, to obtain right and justice freely, without being obliged to purchase it, completely, and without any denial, promptly, and without delay, conformably to the laws.

XV. No subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, lib-

erty, or estate but by the judgment of his peers or the law of the land.

XVI. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment, excepting for the government of the army and navy, and the militia in actual service, without trial by jury.

XVII. In criminal prosecutions the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offence may be committed; and upon their report the Assembly shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

XVIII. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like which they do to those of murder and treason; where the same undistinguishing severity is exerted against all offences the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do those of the lightest dye; for the same reason a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishments being to reform, not to exterminate mankind.

XIX. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, and seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

XX. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, the parties have a right to a trial by jury; and this method of procedure

shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it.

XXI. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time, and attendance.

XXII. The liberty of the press is essential to the security of freedom in a state; it ought, therefore, to be inviolably preserved.

XXIII. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

XXIV. A well-regulated militia is the proper, natural, and sure defence of a state.

XXV. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

XXVI. In all cases and at all times the military ought to be under strict subordination to and governed by the civil power.

XXVII. No soldier in time of peace shall be quartered in any house without the consent of the owner; and in time of war such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied under any pretext whatsoever without the consent of the people, or their representatives in the legislature, or authority derived from that body.

XXIX. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXX. The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

XXXI. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new ones, as the common good may require.

XXXII. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their Representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them and of the grievances they suffer.

XXXIII. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXXIV. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXXV. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme (or superior) judicial court should hold their offices so long as they behave well; and that they should have honorable salaries, ascertained and established by standing laws.

XXXVI. Economy being a most essential virtue in all states, especially in a young one, no pension shall be granted but in consideration of actual services, and such pensions ought to be granted with great caution by the legislature and never for more than one year at a time.

XXXVII. In the government of this state the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity.

XXXVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and

execution of the laws necessary for the good administration of government.

PART II.

THE FORM OF GOVERNMENT.

The people inhabiting the territory formerly called the Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of the State of New Hampshire.

THE GENERAL COURT.

The supreme legislative power within this state shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other. The Senate and House shall assemble every year on the first Wednesday of June, and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the said first Wednesday of June; and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE. The General Court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be holden in the name of the state for the hearing, trying, and determining all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever arising or happening within this state, or between or concerning persons inhabiting or residing or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon. To which courts and judicatories are hereby given and granted full power and authority from time to time to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

And, farther, full power and authority are hereby given and granted to the said General Court from time to time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of

the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to propose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of and residents within the said state, and upon all estates within the same, to be issued and disposed of by warrant under the hand of the President of this state for the time being, with the advice and consent of the Council, for the public service in the necessary defence and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has heretofore been practiced, in order that such assessments may be made with equality there shall be a valuation of the estates within the state taken anew once in every five years at least, and as much oftener as the General Court shall order.

SENATE.

There shall be annually elected by the freeholders and other inhabitants of this state, qualified as in this constitution is provided, twelve persons, to be Senators for the year ensuing their election, to be chosen in and by the inhabitants of the districts into which this state may from time to time be divided by the General Court for that purpose; and the General Court, in assigning the number to be elected by the respective districts, shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district and the number of Senators to be elected therein, provided the number of such districts shall never be more than ten nor less than five.

And the several counties in this state shall, until the Gen-

eral Court shall order otherwise, be districts for the election of Senators, and shall elect the following number, viz.: Rockingham, five; Strafford, two; Hillsborough, two; Cheshire, two; Grafton, one.

The Senate shall be the first branch of the legislature, and the Senators shall be chosen in the following manner, viz.: every male inhabitant of each town and parish with town privileges in the several counties in this state, of twenty-one years of age and upwards, paying for himself a poll tax, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for the Senators in the county or district whereof he is a member.

And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in that town, parish, and plantation where he dwelleth and hath his home.

The selectmen of the several towns and parishes aforesaid shall, during the choice of Senators, preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for Senators, and shall sort and count the same in the meeting, and in the presence of the town clerk, who shall make a fair record in presence of the selectmen and in open meeting, of the name of every person voted for, and the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and town clerk, and shall be sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof, and delivered by said clerk to the sheriff of the county in which such town or parish lies thirty days at least before the first Wednesday of June; and the sheriff of each county, or his deputy, shall deliver all such certificates by him received into the Secretary's office seventeen days at least before the first Wednesday of June.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators in the plantations and places wherein they reside as the inhabitants of the respective towns and parishes aforesaid have.

And the meetings of such plantations and places for that purpose shall be holden annually in the month of March at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution. And, that there may be a due meeting of Senators on the first Wednesday of June annually, the President and three of the Council for the time being shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said first Wednesday in June he shall issue his summons to such persons as appear to be chosen Senators by a majority of votes to attend and take their seats on that day; *provided, nevertheless,* that for the first year the said returned copies shall be examined by the President and five of the Council of the former constitution of government; and the said President shall in like manner notify the persons elected to attend and take their seats accordingly.

The Senate shall be final judges of the elections, returns, and qualifications of their own members as pointed out in this constitution, and shall, on the said first Wednesday of June annually, determine and declare who are elected by each district to be Senators by a majority of votes, and in case there shall not appear to be the full number returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in each district, and not elected, amounting to twice the number of Senators wanting, if there be so many voted for, and out of these shall elect by joint ballot the number of Senators wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state, and in like manner all vacancies in the Senate arising by death, removal out of the state, or otherwise shall be supplied as soon as may be after such vacancies happen.

Provided, nevertheless, that no person shall be capable of being elected Senator who is not of the Protestant religion, and seized of a freehold estate in his own right of the value of two hundred pounds lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

The Senate shall appoint their own officers and determine their own rules of proceedings; and not less than seven members of the Senate shall make a quorum for doing business; and when less than eight Senators shall be present the assent of five at least shall be necessary to render their acts and proceedings valid.

The Senate shall be a court with full power and authority to hear and determine all impeachments made by the House of Representatives against any officer or officers of the state for misconduct or maladministration in their offices; but previous to the trial of any such impeachment the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence.

Their judgment, however, shall not extend farther than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to laws of the land.

HOUSE OF REPRESENTATIVES.

There shall be in the legislature of this state a representation of the people, annually elected and founded upon principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town, parish, or place entitled to town privileges, having one hundred and fifty ratable male polls of twenty-one years of age and upwards, may elect one Representative; if four hundred and fifty ratable polls, may elect two Representatives; and so proceeding in that proportion, making three hundred such ratable polls the mean increasing number for every additional Representative.

Such towns, parishes, or places as have less than one hundred and fifty ratable polls shall be classed by the General Assembly for the purpose of choosing a Representative, and seasonably notified thereof.

And in every class formed for the above-mentioned purpose the first annual meeting shall be held in the town, parish, or place wherein most of the ratable polls reside, and afterwards in that which has the next highest number, and so on annually, by rotation, through the several towns, parishes, or places forming the district.

Whenever any town, parish, or place entitled to town privileges as aforesaid shall not have one hundred and fifty ratable polls, and be so situated as to render the classing thereof with any other town, parish, or place very inconvenient, the General Assembly may, upon application of a majority of the voters in such town, parish, or place, issue a writ for their electing and sending a Representative to the General Court.

The members of the House of Representatives shall be chosen annually in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of Senators shall be entitled to vote within the town, district, parish, or place where they dwell in the choice of Representatives. Every member of the House of Representatives shall be chosen by ballot; and for two years, at least, next preceding his election shall have been an inhabitant of this state, shall have an estate within the town, parish, or place which he may be chosen to represent of the value of one hundred pounds, one half of which to be a freehold whereof he is seized in his own right; shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; shall be of the Protestant religion; and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

The travel of each Representative to the General Assembly, and returning home once in every session and no more, shall be at the expense of the state, and the wages for his attendance at the expense of the town, parish, or places he represents; such members attending seasonably, and not departing without license. All intermediate vacancies in the House of Representatives may be filled up from time to time in the same manner as annual elections are made.

The House of Representatives shall be the grand inquest of the state, and all impeachments made by them shall be heard and tried by the Senate.

All money bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills.

The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the House of Representatives shall be a quorum for doing business; but when less than two thirds of the Representatives elected shall be present the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the House of Representatives or Senate shall be arrested or held to bail on mesne process during his going to, returning from, or attendance upon the Court.

The House of Representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own House. They shall have the authority to punish by imprisonment every person who shall be guilty of disrespect to the House, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill-treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session, in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house, in assaulting any witness or other person ordered to attend, by and during his attendance of the House, or in rescuing any person arrested by order of the House, knowing them to be such. The Senate, President, and Council shall have the same powers in like cases, provided that no imprisonment by either for any offense exceed ten days.

The journals of the proceedings of both houses of the General Court shall be printed and published immediately after every adjournment or prorogation; and, upon motion made by any one member, the yeas and nays upon any question shall be taken and entered in the journals.

EXECUTIVE POWER.—PRESIDENT.

There shall be a supreme executive magistrate who shall be styled The President of the State of New Hampshire, and whose title shall be *His Excellency*.

The President shall be chosen annually; and no person shall be eligible to this office unless at the time of his election he shall have been an inhabitant of this state for seven years next preceding; and unless he shall be of the age of thirty years; and unless he shall, at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within the state; and unless he shall be of the Protestant religion.

Those persons qualified to vote for Senators and Representatives shall, within the several towns, parishes, or places where they dwell, at a meeting to be called for that purpose some day in the month of March annually, give in their votes for a President to the selectmen who shall preside at such meeting; and the clerk, in the presence and with the assistance of

the selectmen, shall in open meeting sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name, and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of said inhabitants, seal up a copy of said list, attested by him and the selectmen, and transmit the same to the sheriff of the county thirty days, at least, before the first Wednesday of June, or shall cause returns of the same to be made to the office of the Secretary of the State seventeen days, at least, before said day, who shall lay the same before the Senate and House of Representatives on the first Wednesday of June, to be by them examined; and, in case of an election by a majority of votes through the state, the choice shall be by them declared and published; but if no person shall have a majority of votes the House of Representatives shall by ballot elect two out of the four persons who had the highest number of votes, if so many shall have been voted for, but, if otherwise out of the number voted for, and make return to the Senate of the two person so elected, on which the Senate shall proceed by ballot to elect one of them, who shall be declared President.

The President of the state shall preside in the Senate; shall have a vote equal with any other member; and shall also have a casting vote in case of a tie.

The President, with advice of Council, shall have full power and authority in the recess of the General Court to prorogue the same from time to time, not exceeding ninety days in any one recess of said Court; and, during the session of said Court, to adjourn or prorogue it to any time the two houses may desire; and to call it together sooner than the time to which it may be adjourned or prorogued if the welfare of the state should require the same.

In cases of disagreement between the two houses with regard to the time of adjournment or prorogation, the President, with advice of Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days at any one time, as he may determine the public good may require. And he shall dissolve the same seven days before the said first Wednesday of June. And in case of any infectious distemper prevailing in the place where the said Court at any time is to convene, or any other cause whereby dangers may arise to the healths or lives of the members from their attendance, the President may direct the session to be holden at some other, the most convenient place within the state.

The President of this state for the time being shall be commander-in-chief of the army and navy, and all the military forces of the state by sea and land; and shall have full power by himself, or by any chief commander or other officer or officers, from time to time to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of this state to assemble in martial array and put in warlike posture the inhabitants thereof; and to lead and conduct them, and with them to encounter, expulse, repel, resist, and pursue by force of arms, as well by sea as by land, within and without the limits of this state, and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprise, and means all and every such person and persons as shall at any time hereafter in a hostile manner attempt or enterprise the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require; and surprise by all ways and means whatsoever all and every such person and persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade or attempt the invading, conquering, or annoying this state; and, in fine, the President hereby is intrusted with all other powers incident to the office of captain-general, and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land; *provided* that the President shall not at any time hereafter, by virtue of any power by this constitution granted or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march, out of the limits of the same without their free and voluntary consent or the consent of the General Court, nor grant commissions for exercising the law martial in any case without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate by impeachment of the House, shall be in the President, by and with the advice of the Council; but no charter of pardon granted by the President, with advice of Council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein descriptive of the offence or offences intended to be pardoned.

All judicial officers, the attorney-general, solicitor-general,

all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia shall be nominated and appointed by the President and Council; and every such nomination shall be made at least seven days prior to such appointment, and no appointment shall take place unless three of the Council agree thereto.

The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers to the President, who is to issue their commissions immediately on receipt of such recommendation. No officer duly commissioned to command in the militia shall be removed from his office but by the address of both houses to the President, or by fair trial in court-martial pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quartermasters, the brigadiers their brigade-majors, the major-generals their aids, the captains and subalterns their non-commissioned officers. The President and Council shall appoint all officers of the continental army whom by the confederation of the United States it is provided that this state shall appoint, as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state until the same be altered by some future law.

No monies shall be issued out of the treasury of this state and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the President for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same shall once in every three months officially, and without requisition, and at other times when required by the President, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property under their care respectively, distinguishing the quantity and kind of each as particularly as may be, together

with the condition of such forts and garrisons; and the commanding officer shall exhibit to the President, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors adjacent.

The President and Council shall be compensated for their services from time to time by such grants as the General Court shall think reasonable.

Permanent and honorable salaries shall be established by law for the justices of the superior court.

Whenever the chair of the President shall be vacant by reason of his death, absence from the state or otherwise, the senior Senator for the time being shall, during such vacancy, have and exercise all the powers and authorities which by this constitution the President is vested with when personally present.

COUNCIL.

Annually, on the first meeting of the General Court, two members of the Senate and three from the House of Representatives shall be chosen by joint ballot of both houses as a Council, for advising the President in the executive part of government, whom the President for the time being shall have full power and authority to convene from time to time at his discretion; and the President, with the Councillors, or three of them at least, shall and may from time to time hold and keep a Council for ordering and directing the affairs of the state according to the laws of the land. The qualifications for Councillors shall be the same as those required for Senators. The members of the Council shall not intermeddle with the making or trying impeachments, but shall themselves be impeachable by the House and triable by the Senate for mal-conduct.

The resolutions and advice of the Council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature, and any member of the Council may enter his opinion contrary to the resolution of the majority.

And whereas the elections appointed to be made by this constitution on the first Wednesday of June, annually, by the two houses of the legislature may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed.

And the order of the elections shall be as follows: the vacancies in the Senate, if any, shall first be filled up; the President shall then be elected, provided there should be no choice

of him by the people; and afterwards the two houses shall proceed to the election of the Council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, ETC.

The Secretary, Treasurer, and Commissary-General shall be chosen by joint ballot of the Senators and Representatives assembled in one room.

The records of the state shall be kept in the office of the Secretary, who may appoint his deputies, for whose conduct he shall be answerable; and he shall attend the President and Council, the Senate and Representatives, in person or by deputy, as they may require.

COUNTY TREASURER, ETC.

The county treasurers and registers of deeds shall be elected by the inhabitants of the several towns in the several counties in the state according to the method now practiced, and the present laws of the state; and, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum for the use of the county for the punctual performance of their respective trusts.

JUDICIARY POWER.

The tenure that all commission officers shall have by law in their offices shall be expressed in their respective commissions. All judicial officers duly appointed, commissioned, and sworn shall hold their offices during good behavior, excepting those concerning whom there is a different provision made in this constitution; *provided, nevertheless,* the President, with consent of Council, may remove them upon the address of both houses of the legislature.

Each branch of the legislature, as well as the President and Council, shall have authority to require the opinions of the justices of the superior court upon important questions of law, and upon solemn occasions.

In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and upon the expiration of any commission the same

may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the state. The judges of probate of wills and for granting letters of administration shall hold their courts at such place or places, on such fixed days as the convenience of the people may require; and the Legislature shall, from time to time, hereafter appoint such times and places, until which appointments the said courts shall be holden at the times and places which the respective judges shall direct.

All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate shall be heard and tried by the superior court, until the legislature shall by law make other provision.

CLERKS OF COURTS.

The clerks of the superior court of judicature, inferior courts of common pleas, and general sessions of the peace shall be appointed by the respective courts during pleasure; and to prevent any fraud or unfairness in the entries and records of said courts no such clerk shall be of counsel in any cause in the court of which he is clerk, nor shall he fill any writ in any civil action whatsoever.

DELEGATES TO CONGRESS.

The delegates of this state to the Congress of the United States shall, sometime between the first Wednesday of June and the first Wednesday of September, annually, be elected by the Senate and House of Representatives in their separate branches, to serve in Congress for one year to commence on the first Monday in November then next ensuing.

They shall have commissions under the hand of the President and the great seal of the state, but may be recalled at any time within the year, and others chosen and commissioned in the same manner in their stead; and they shall have the same qualifications in all respects as by this constitution are required for the President.

No person shall be capable of being a delegate to Congress for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or any other for his benefit, receives any salary or emolument of any kind.

ENCOURAGEMENT OF LITERATURE, ETC.

Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and the magistrates in all future periods of this government to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments among the people.

OATH AND SUBSCRIPTIONS; EXCLUSION FROM OFFICES; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS, THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION, ETC.

Any person chosen President, Councillor, Senator, or Representative, military or civil officer (town officers excepted), accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.:

I, A B, do truly and sincerely acknowledge, profess, testify, and declare that the state of New Hampshire is, and of right ought to be a free, sovereign, and independent state, and do swear that I will bear faith and true allegiance to the same, and that I will endeavor to defend it against all treacherous conspiracies and hostile attempts whatever; and I do further testify and declare that no man or body of men hath or can have a right to absolve me from the obligation of this oath, declaration, or affirmation, and that I do make this acknowledgment, profession, testimony, and declaration honestly and truly, according to the common acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatever. So help me God.

I, A B, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as —— —— ——, according to the

best of my abilities, agreeably to the rules and regulations of this constitution, and the laws of the state of New Hampshire. So help me God.

Provided always, when any person chosen or appointed as aforesaid shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them omitting the word *"swear"* and likewise the words *"So help me God,"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

And the oaths or affirmations shall be taken and subscribed by the President before the senior Senator present, in the presence of the two houses of assembly; and by the Senate and Representatives first elected under this constitution before the President and three of the Council of the former constitution, and forever afterwards before the President and Council for the time being; and by the residue of the officers aforesaid before such persons and in such manner as from time to time shall be prescribed by the legislature.

All commissions shall be in the name of the state of New Hampshire, signed by the President, and attested by the Secretary or his deputy, and shall have the great seal of the state affixed thereto.

All writs issuing out of the clerk's office in any of the courts of law shall be in the name of the state of New Hampshire, shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court to which the same shall be returnable, and be signed by the clerk of such court.

All indictments, presentments, and informations shall conclude against the peace and dignity of the state.

The estates of such persons as may destroy their own lives shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved in the province, colony, or state of New Hampshire, and usually practiced on in the courts of law, shall remain and be in full force until altered and repealed by the legislature; such parts thereof only excepted as are repugnant to the rights and liberties contained in this constitution; *provided*

that nothing herein contained, when compared with the twenty-third article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

The privilege and benefit of the *habeas corpus* shall be enjoyed in this state in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting style in making and passing acts, statutes, and laws shall be, *Be it enacted by the Senate and House of Representatives in General Court convened.*

No President or judge of the superior court shall hold any office or place under the authority of this state except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the state; nor shall they hold any place or office, or receive any pension or salary from any other state, government, or power whatever.

No person shall be capable of exercising at the same time more than one of the following offices within this state, viz., judge of probate, sheriff, register of deeds; and never more than two offices of profit which may be held by appointment of the President, or President and Council, or Senate and House of Representatives, or superior or inferior courts, military offices and offices of justices of the peace excepted.

No person holding the office of judge of the superior court, Secretary, Treasurer of the state, judge of probate, attorney-general, commissary-general, judge of the maritime court, or judge of the court of admiralty, military officers receiving pay from the continent or this state, excepting officers of the militia occasionally called forth on an emergency, judge of the inferior court of common pleas, register of deeds, president, professor, or instructor of any college, sheriff, or officer of the customs, including naval officers, shall at the same time have a seat in the Senate, or House of Representatives, or Council; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the Senate, or House of Representatives, or Council; and the place so vacated shall be filled up.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government, who in the due course of law has been convicted of bribery or corruption in obtaining an election or appointment.

In all cases where sums of money are mentioned in this

constitution the value thereof shall be computed in silver at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice or danger arise to this state from a change of the form of government, all civil and military officers holding commissions under the government and people of New Hampshire, and other officers of the said government and people, at the time this constitution shall take effect, shall hold, exercise, and enjoy all the powers and authorities to them granted and committed until other persons shall be appointed in their stead. All courts of law in the business of their respective departments, and the executive and legislative bodies and persons shall continue in full force, enjoyment, and exercise of all their trusts and employments until the General Court and the supreme and other executive officers under this constitution are designated and invested with their respective trusts, powers, and authority.

This form of government shall be enrolled on parchment and deposited in the Secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this state in all future editions thereof.

To preserve an effectual adherence to the principles of the constitution, and to correct any violations thereof, as well as to make such alterations therein as from experience may be found necessary, the General Court shall, at the expiration of seven years from the time this constitution shall take effect, issue precepts, or direct them to be issued from the Secretary's office, to the several towns and incorporated places to elect delegates to meet in convention for the purposes aforesaid; the said delegates to be chosen in the same manner and proportioned as the representatives to the General Assembly; *provided* that no alteration shall be made in this constitution before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting upon the question.

IN CONVENTION HELD AT CONCORD,
The 31st Day of October, 1783.

The returns from the several towns being examined, and it appearing that the foregoing bill of rights and form of government were approved of by the people, the same are hereby agreed on and established by the delegates of the people, and

declared to be the civil constitution for the state of New Hampshire, to take place on the first Wednesday in June, 1784; and that in the meantime the General Court under the present government make all the necessary arrangements for introducing this constitution at that time, and in the manner therein described.

NATHANIEL FOLSOM,
President P. T.

Attest:
J. M. SEWALL, *Secretary.*

Fourth Constitutional Convention of 1791-1792. After a period of seven years, pursuant to the provisions of the constitution of 1784, and agreeably to precepts issued for that purpose, a convention to revise the constitution of New Hampshire assembled in Concord on Wednesday, September 7, 1791. It organized by the election of Samuel Livermore of Portsmouth as President, and John Calfe of Hampstead as Secretary.

Among the distinguished members of this body, besides its President and Secretary, were William Plumer of Epping, whose active part in this convention caused its work to be popularly known as Plumer's constitution, Jeremiah Smith of Peterborough, John Pickering of Newington, Edward St. Loe Livermore of Portsmouth, Abiel Foster of Canterbury, Timothy Walker of Concord, Nathaniel Peabody of Atkinson, Joshua Atherton of Amherst, Major Benjamin Pierce of Hillsborough, Elisha Payne of Lebanon, Gen. Joseph Cilley of Nottingham, Ebenezer Thompson of Durham, Moses Chase of Cornish, and Jonathan Freeman of Hanover.

On September 8th the following rules of procedure were adopted:

1st. The President having taken the chair and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

2nd. No member shall speak to another or otherwise interrupt the business of the convention while the journal is reading or when any member is speaking, nor pass between the President and a member speaking.

3rd. Every member, when he speaks, shall stand up and address the President, and when he has finished shall sit down.

4th. No member shall speak more than twice in any one debate on the same day without leave of the convention.

5th. When two members rise at the same time the President shall name the person to speak, but in all cases the person first rising shall speak first.

6th. When the President shall stand up to put the question the members shall sit down and keep silence.

7th. No motion shall be debated until the same shall be seconded; and any member may at any time withdraw his motion.

8th. When a motion shall be made and seconded it shall, if desired by the President or any member, be reduced to writing, delivered in at the table, and read by the President before the same shall be debated.

9th. While a question is before the convention no motion shall be received unless for an amendment, for postponing the main question, or to commit it, or to adjourn.

10th. The previous question being moved and seconded the question from the chair shall be, "Shall the main question be now put?", and if the negative prevails the main question shall not then be put.

11th. If a question in debate contain several points any member may have the same divided.

12th. Committees of less than five shall be nominated by the President, but committees of five or more shall be chosen by ballot.

13th. Questions of order shall be determined by the President, but any member may appeal to the convention; and when a member is called to order he shall sit down until the question is determined whether he is in order or not, which shall be decided without debate, but the member may explain.

14th. The yeas and nays, if called for by any one member, shall be entered on the journal upon any proposition moved to be sent out to the people as an amendment or alteration to the constitution; and each member present, and having heard the debates upon the particular question, shall give his yea or nay except excused by a vote of the convention; and in the same manner may the yeas and nays be taken and entered on the journal upon all the amendments collectively agreed to by the convention to be sent out to the people.

15th. Every question, being put by the President, shall be taken to be in the affirmative unless disputed by a member, on which case the members shall be counted, beginning with

those in the affirmative standing up, and then those in the negative the same; and every member, having heard the debates, shall vote upon the question except excused by a vote of the convention.

16th. No person except a member or an officer of this convention shall be allowed to come within the bar of the House except such public characters as the President may invite, for whom particular seats shall be assigned.

17th. That it be a rule in conducting business that in any stage of a question a motion to postpone a further consideration of any matter in debate be considered as in order, and the main question left open for future discussion.[1]

It was then voted "that the constitution be read by sections or articles, in order that any member may offer his sentiments relative to any defects therein, and propose such alterations as he may think necessary."

Eight days later it was voted:

"That Mr. Peabody, Mr. Plumer, Mr. Hoit, Mr. Smith (Meredith), Mr. Wallace, Mr. Atherton, Mr. Page (Charlestown), Mr. Kingsbury, Mr. Payne, & Mr. Freeman be a committee to take into consideration the constitution and the resolutions passed at this session, and the several motions for alterations that have not been acted upon, and prepare and report to the convention, at the adjournment, alterations and amendments to be submitted to the people."

On the same date, September 16, the convention adjourned until the second Wednesday of February, 1792, then to meet at Concord.

Pursuant to adjournment the convention reassembled at Concord February 8, 1792. In the absence of the President John Pickering was elected President *pro tem.*

The committee chosen in September last to take into consideration the constitution and the resolutions passed at that session, and the several motions for alterations, reported their opinions as to alterations and their reasons therefor, also the constitution with the proposed alterations incorporated.

On February 24, 1792, this report having been amended

[1] 10 N. H. State Papers, 39, 40, 42.

and adopted, it was voted to submit to the legal voters of the state at elections to be held on the 7th of May, 1792, the proposed amendments to the constitution in the form of seventy-two questions, to be voted upon separately.

The text of these amendments, together with the vote, is given on pages 131-148.

On the same day the convention adjourned to Wednesday, May 30th, then to meet at Concord.

Pursuant to adjournment the convention reassembled at Concord May 30, 1792.

A committee appointed to canvass the votes cast on the proposed amendments to the constitution reported to the convention that forty-six had been adopted and twenty-six rejected. The fact that amendments had been rejected, upon which some of those adopted depended, made further changes imperative. On Monday, June 4th, it was voted, "That a committee be chosen to consider what further amendments to the constitution are necessary to be sent out to the people. The committee appointed were Mr. Page (Charlestown), Mr. Hoit and Mr. Livermore of Portsmouth, and that they prepare an address to accompany the amendments."[1]

This committee reported on the following day a new draft of parts of the constitution embodying the changes necessary to make a consistent whole. Their report was accepted by the convention, and it was voted to submit the new amendments to the legal voters on August 27, 1792, to be voted upon *en bloc*.

The text of the amendments, together with the vote on them, is given on pages 153 to 168.

On June 5th the convention adjourned to the first Wednesday of September, 1792.

The convention reassembled on September 5, 1792, when a canvass of the votes showed that the last amendments submitted to the people had been ratified.

"Voted that Mr. Newcomb, Mr. Plumer, & Mr. E. S. Livermore be a committee to report to the convention a true

[1] The editor of State Papers, vol. X, searched in vain for an address as ordered to be sent out to the people. vol. X, p. 144.

copy of the constitution as revised and agreed to by the people."

This committee reported as follows:

"In convention held at Concord the fifth day of September, Anno Domini 1792, the returns from the several towns and incorporated places being examined, and it appearing that the foregoing bill of rights and form of government, as amended by the convention, were approved by more than two thirds of the qualified voters present in town meetings and voting upon the question; the same are agreed on and established by the delegates of the people in convention, and declared to be the civil constitution of the state of New Hampshire."

The convention then dissolved just one year, lacking two days, from the date of its first assembling.

Various causes, including the large number of changes made in the constitution of 1784 by the amendments proposed by this convention, have combined to make the resulting instrument popularly known as a new constitution, that of 1792. Clearly such designation is incorrect. Judge Allen, in *State* v. *Saunders*, 66 N. H. 72, says: ". . . The impression that a constitution was adopted in 1792 (Gen. Laws 40, n.; 55 N. H. 190-192) is erroneous. Journal of the convention in 10 Prov. and St. Pap. 57, 63, 110-114, 141-168; constitution, art. 97 (formerly art. 98). The error may have arisen from a misunderstanding of votes passed by the convention (Journal, p. 167), the certificate signed by the President and Secretary of the convention (Gen. St. p. 34), and the act of December 14, 1792. Laws, ed. of 1797, p. 50. The state has had but one permanent constitution. (The government of 1776 was intended to be temporary. 10 N. H. 143; 59 N. H. 272.) 'The constitution of 1792' is a misnomer. In article 20 of the bill of rights, and in article 89 of the second part of the constitution, 'heretofore' means before 1784."

The journal of the convention of 1791-2 has been printed in vol. X of the Province and State Papers, pp. 1-196.

ARTICLES

IN ADDITION TO AND AMENDMENT
OF THE

CONSTITUTION

OF THE

STATE OF NEW-HAMPSHIRE

AGREED TO BY THE CONVENTION OF SAID STATE, AND SUBMITTED TO THE PEOPLE THEREOF FOR THEIR APPROBATION AT A MEETING OF THE INHABITANTS DULY WARNED FOR THAT PURPOSE, TO BE HELD ON THE FIRST MONDAY OF MAY, BEING THE SEVENTH DAY OF THE MONTH,

1792

UNDER THE HEAD BILL OF RIGHTS:

That the following be added to the 6th article.

I.

But this shall not be construed to free a person from the obligation of his own contract, on his pretence of changing his religious persuasion after making the contract.

And whenever a minister is settled by any incorporated town or parish any person dissenting shall have liberty, either at the meeting or previous to the ordination of the minister, or within one month after the vote obtained for his settlement, to enter his dissent with the town or parish clerk against paying or contributing towards the support of such minister; and all minors who, after such settlement, shall come of age, and all inhabitants of such town or parish who are absent from the same at the time of such meeting or settlement, and all persons who, after such settlement, move into such town or parish to reside, shall have three months from the time of their coming of full age, returning into town, or moving in to reside as aforesaid respectively to enter their dissent with the town or parish clerk as aforesaid.

And all persons who do not enter their dissent as aforesaid shall be bound by the major vote of such town or parish, and it shall be considered as their voluntary contract.

But all persons who enter their dissent as aforesaid shall not be bound by the vote of such town or parish, or considered as party to such contract, or in any way be compelled to contribute towards the support of the minister; nor shall any person be compelled to contribute towards the support of a minister who shall change from the sect or denomination of which he professed to be when he settled, to any other persuasion, sect, or denomination. Rejected.

II.

ARTICLE 17.— That the word "Assembly" be expunged, and the word "Legislature" inserted.

III.

ARTICLE 18.— That the words "those of," "dye," be expunged, and the word "offences" inserted.

IV.

Article 19 to be expunged, and the following substituted in lieu thereof, viz.:

Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions; therefore all warrants to search suspected places, or arrest a person for examination, or trial in prosecutions for criminal matters are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrants ought to be issued but in cases and with the formalities prescribed by law.

V.

Article 20 to be expunged, and the following substituted in lieu thereof, viz.:

In all controversies concerning property, and in all suits between two or more persons, excepting in cases wherein it hath been heretofore otherwise used and practiced, the parties have a right to a trial by jury, and this right shall be deemed sacred and inviolable; but the legislature may, by the constitution, be empowered to make such regulations as will prevent parties from having as many trials by jury in the same suit or action as hath been heretofore allowed and practiced, and to extend the civil jurisdiction of justices of the peace to the trial of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party; but no such regulations shall take away the right of a trial by jury in any case not in this article before excepted, unless in cases respecting mariners' wages. Rejected.

VI.

Article 31 to be expunged, and the following substituted in lieu thereof, viz.:

The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

VII.

Article 35 to be expunged, and the following substituted in lieu thereof, viz.:

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the constitution of the state; and that they should have honorable salaries ascertained and established by standing laws.

UNDER THE HEAD GENERAL COURT.

VIII.

The Senate and House shall assemble every year on the last Wednesday of October, and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the last Wednesday of October, and shall be styled the GENERAL COURT OF NEW HAMPSHIRE.

Rejected.

IX.

No member of the General Court shall take fees, be of counsel, or act as advocate in any cause before either branch of the legislature; and upon due proof thereof such member shall forfeit his seat in the legislature.

X.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state in the opinion of either branch shall require secrecy.

SENATE.

XI.

That the several paragraphs under the head of Senate be expunged, and the following be substituted in lieu thereof, viz.:

The Senate shall consist of *thirteen* members, who shall hold their office for one year from the last Wednesday of October next ensuing their election. Rejected.

XII.

And that the state may be equally represented in the Senate the legislature shall from time to time divide the state into thirteen districts as nearly equal as may be, without dividing towns and unincorporated places; and in making this division they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district. Rejected.

XIII.

The freeholders and other inhabitants of each district qualified as in this constitution is provided shall annually give in their votes for a Senator at some meeting holden in the month of March.

XIV.

The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz.: every male inhabitant of each town and parish with town privileges, and places unincorporated in this state, of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for the Senator in the district whereof he is a member.

XV.

Provided, nevertheless, that no person shall be capable of being elected a Senator who is not seized of a free-hold estate in his own right of the value of two hundred pounds lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district for which he shall be chosen. Rejected.

XVI.

And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state in the town, parish, and plantation where he dwelleth and hath his home.

XVII.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators in the plantation and places wherein they reside as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

XVIII.

The meetings for the choice of Governor, Councillors, and Senators shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for Senators; and shall in said meetings, in the presence of the said selectmen and of the town clerk, in said meeting sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person. And the town clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie forty days, at least, before the last Wednesday of October, or to the Secretary of State at least thirty days before the said last Wednesday of October; and the sheriff of each county, or his deputy, shall deliver all such certificates by him received into the Secretary's office at least thirty days before the last Wednesday of October. Rejected.

XIX.

And that there may be a due meeting of the Senators on the last Wednesday of October annually the Governor and a majority of the Council for the time being shall, as soon as may be, examine the returned copies of such records; and fourteen days

before the said last Wednesday of October he shall issue his summons to such persons as appear to be chosen Senators by a majority of votes to attend and take their seats on that day. *Provided, nevertheless*, that for the first year the said returned copies shall be examined by the President and a majority of the Council then in office, and the said President shall in like manner notify the persons elected to attend and take their seats accordingly. Rejected.

XX.

And in case there shall not appear to be a Senator elected by a majority of votes for any district the deficiency shall be supplied in the following manner, viz.: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of these shall elect by joint ballot the Senator wanting for such district; and in this manner all such vacancies shall be filled up in every district of the state; and in like manner all vacancies in the Senate arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen. Rejected.

XXI.

The Senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

XXII.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time; *provided, nevertheless*, that whenever they shall sit on the trial of any impeachment they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

XXIII.

The Senate shall appoint their President and other officers, and determine their own rules and proceedings; and not less than seven members of the Senate shall make a quorum for doing business; and when less than eight members shall be present the assent of five, at least, shall be necessary to render their acts and proceedings valid.

XXIV.

The Senate shall be a court with full power and authority to hear, try, and determine all impeachments made by the House of Representatives against any officer or officers of the state for bribery, corruption, mal-practice, or mal-administration in office, with full power to issue summons or compulsory process for convening witnesses before them, with all necessary powers incident to a court of trials. But previous to the trial of such impeachment the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence. And every officer impeached for bribery, corruption, mal-practice, or mal-administration in office shall be served with an attested copy of the impeachment and order of Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded on the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to the laws of the land. Whenever the Governor shall be impeached the chief justice of the supreme judicial court shall, during the trial, preside in the Senate, but have no vote therein.

UNDER THE HEAD HOUSE OF REPRESENTATIVES.

XXV.

That the fifth paragraph under this head be expunged, and the following added:

All persons qualified to vote in the elections of Senators shall be intitled to vote within the district where they dwell in the choice of Representatives. Every member of the House of Rep-

resentatives shall be chosen by ballot; and for two years, at least, next preceding his election shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent of the value of one hundred pounds, one half of which to be a freehold whereof he is seized in his own right; and shall be, at the time of his election, an inhabitant of the district he may be chosen to represent, and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid. Rejected.

XXVI.

That the sixth article under said head be expunged, and the following added:

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state by a law made for that purpose, such member attending seasonably, and not departing without license. All intermediate vacancies in the House of Representatives may be filled up from time to time in the same manner as annual elections are made.

XXVII.

The House of Representatives shall be judge of the returns, elections, and qualifications of its members as pointed out in this constitution. That the last paragraph under the head of House of Representatives be expunged, and the following added, viz.:

XXVIII.

The journal of the proceedings and all the public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation; and, upon motion made by any one member, the yeas and nays upon any question shall be entered in the journals; and any member of the Senate or House of Representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons against any vote, resolve, or bill passed, entered on the journals.

EXECUTIVE POWER.

GOVERNOR.

XXIX.

The Governor shall be chosen annually in the month of March, and votes for Governor shall be received, counted, sorted, certi-

fied, and returned in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives on the last Wednesday of October, to be by them examined, and in case of an election by a majority of votes through the state the choice shall be by them declared and published. Rejected.

XXX.

And the qualifications of electors of the Governor shall be the same as those for Senators; and if no person shall have a majority of votes the Senate and House of Representatives shall by joint ballot elect one of the two persons having the highest number of votes, who shall be declared Governor.

XXXI.

And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding; and unless he shall be of the age of thirty years; and unless he shall, at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within this state. Rejected.

XXXII.

In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court not exceeding seven months at any one time, as he may determine the public good may require, to meet at the place where the General Court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday of October. Rejected.

XXXIII.

And in the case of any infectious distemper prevailing in the place where the said Court is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the state.

XXXIV.

Every bill which shall have passed both houses of the General Court shall, before it become a law, be presented to the Governor; if he approve he shall sign it; but if not he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law. Rejected.

XXXV.

Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill. Rejected.

XXXVI.

All judicial officers, the attorney-general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor or Council; and every negative shall be also signed by the Governor or Council who made the same. Rejected.

XXXVII.

The captains and subalterns in the respective regiments shall be nominated by the field officers, and if approved by the Governor shall be appointed by him. Rejected.

XXXVIII.

Whenever the chair of the Governor shall become vacant by reason of his death, absence from the state, or otherwise, the President of the Senate shall, during such vacancy, have and exercise all the powers and authorities which by this constitution the Governor is vested with when personally present; but when the President of the Senate shall exercise the office of Governor he shall not hold his office in the Senate.

XXXIX.

The several paragraphs under the head "President" in the constitution shall be altered by expunging the word "President," and inserting the word GOVERNOR in lieu thereof.

XL.

And the second, third, fourth, sixth, ninth, sixteenth, and last paragraph under the head "President" in the constitution shall be expunged, and be considered as no longer in force.

Rejected.

COUNCIL.

XLI.

The several paragraphs under the head "Council" in the Constitution shall be expunged, and the following substituted in lieu thereof:

There shall be annually elected by ballot five Councillors for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county qualified to vote for Senators shall some time in the month of March give in their votes for one Councillor, which votes shall be received, sorted, counted, certified, and returned to the Secretary's office, in the same manner as the votes for Senators, to be by the Secretary laid before the Senate and House of Representatives on the last Wednesday of October. Rejected.

XLII.

And the person having a majority of votes in any county shall be considered as duly elected a Councillor; but if no person shall have a majority of votes in any county the Senate and House of Representatives shall take the names of the two

persons who have the highest number of votes in each county, and not elected, and out of those two shall elect by joint ballot the Councillor wanted for such county.

XLIII.

Provided, nevertheless, that no person shall be capable of being elected a Councillor who has not an estate of the value of five hundred pounds within this state, three hundred pounds of which or more shall be a freehold in his own right; and who is not thirty years of age, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time of his election an inhabitant of the county in which he is elected. Rejected.

XLIV.

The Secretary shall annually seventeen days before the last Wednesday of October, give notice of the choice of the persons elected. Rejected.

XLV.

If any person shall be elected Governor or member of either branch of the legislature, and shall accept the trust, or if any person elected as Councillor shall refuse to accept the office, or in case of the death, resignation, or removal of any Councillor out of the state, the Governor may issue a precept for the election of a new Councillor in that county where such vacancy shall happen, and the choice shall be in the same manner as before directed. The Governor shall have power and authority to convene the Council from time to time at his discretion, and with them, or the majority of them, may and shall from time to time hold a Council for ordering and directing the affairs of the state according to the law of the land.

XLVI.

The members of the Council may be impeached by the House and tried by the Senate for bribery, corruption, mal-practice, or mal-administration. The resolutions and advice of the Council shall be recorded by the Secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

XLVII.

The legislature may, if the public good shall hereafter require it, divide the state into five districts as nearly equal as may be, governing themselves by the number of rateable polls and proportion of public taxes, each district to select a Councillor; and in case of such division the manner of the choice shall be conformable to the present mode of election in counties.

XLVIII.

And whereas the elections appointed to be made by this constitution on the last Wednesday of October, annually, by the two houses of the legislature may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of the elections shall be as follows: the vacancies in the Senate, if any, shall be first filled up; the Governor shall then be elected, provided there shall be no choice of him by the people, and afterwards the two houses shall proceed to fill up the vacancy, if any, in the Council. Rejected.

UNDER THE HEAD SECRETARY, &C.

XLIX.

The Secretary of the State shall at all times have a deputy, to be by him appointed, for whose conduct in office he shall be responsible; and in case of the death, removal, or inability of the Secretary his deputy shall exercise all the duties of the office of Secretary of this State until another shall be appointed.

L.

The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum for the use of the state for the punctual performance of his trust.

COUNTY TREASURER, &C.

LI.

That the paragraph under this head in the constitution be expunged, and the following substituted in the lieu thereof:

The county treasurer and register of deeds shall be elected by the inhabitants of the several towns in the several counties in the state according to the method now practiced, and the

laws of the state; *provided, nevertheless*, the legislature (shall have authority) to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

LII.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds.

LIII.

The county treasurer and register of deeds, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum for the use of the county or district for the punctual performance of their respective trusts.

JUDICIARY POWER.

LIV.

It shall be the duty of the General Court to make a reform in the judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practiced; and that no party shall have a review after the cause has been determined against him twice by jury. Rejected.

LV.

The General Court are hereby empowered to make alterations in the power and jurisdiction of the courts of common pleas and general sessions of the peace respectively; or, if they shall judge it necessary for the public good, to abolish those courts, or either of them, and invest such other courts as they may establish with the jurisdiction and powers now vested in the courts of common pleas and courts of general sessions of the peace, as the General Court may from time to time judge expedient for the due administration of law and justice.

Rejected.

LVI.

And it shall be the duty of the General Court to vest in such court or courts of law as to them may appear expedient the power of granting new trials, or a trial after judgment, either

upon verdict of a jury, default, non-suit, or complaint for affirmation of judgment, in all cases where substantial justice has not been done (except as before excepted) in such manner and under such restrictions and regulations as to the General Court may appear for the public good; *provided* application be made for such reviews or trial within one year from the rendition of judgment. Rejected.

LVII.

For the more effectually preserving the proper separation of the three great powers of government agreeably to the 37th article in the bill of rights, the power of hearing and deciding in causes of equity shall be vested either in some judicial court or courts, or in some court to be established specially for that purpose; *provided* no power shall be granted to any such courts incompatible with the bill of rights and constitution; and the powers of said courts shall be limited and defined by express laws, and no suit in equity shall be sustained where clear and adequate remedy may be had at law. Rejected.

LVIII.

The General Court are empowered to give justices of the peace jurisdiction in civil causes when the damages demanded shall not exceed four pounds, and title of real estate is not concerned; but with right of appeal to either party to some other court, so that a trial by jury in the last resort may be had.

LIX.

No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county after he has attained the age of seventy years.

LX.

No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before (him) as judge or justice of the peace.

LXI.

All matters relating to the probate of wills and granting letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed, or may

hereafter direct; and the judges of probate shall hold their courts at such place or places on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

LXII.

No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel in any probate business which is pending, or may be brought into any court of probate in the county of which he is judge or register.

LXIII.

That the paragraph under the head "CLERKS OF COURT" in the constitution be expunged, and the following substituted, viz.:

LXIV.

The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure. And no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

LXV.

That the paragraph in the constitution under the head "DELEGATES TO CONGRESS" be expunged.

LXVI.

The oath of allegiance in the constitution shall be expunged, and the following shall be substituted in lieu thereof:

I, A. B. . . . do solemnly swear that I will bear faith and true allegiance to the state of New Hampshire, and will support the constitution thereof. *So help me God.*

LXVII.

Any person having taken and subscribed the oath of allegiance shall not be obliged to take said oath again.

LXVIII.

And the oath or affirmations shall be taken and subscribed by the Governor before the President of the Senate in presence of both houses of the legislature, and by the Senators and Representatives first elected under this constitution, as amended

and altered, before the President of the state and a majority of the Councillors then in office; and forever afterwards before the Governor and Council for the time being; and by all other officers before such persons and in such manner as the legislature shall from time to time appoint.

LXIX.

That the 15th paragraph in this constitution under the head "OATHS & SUBSCRIPTIONS" &c. be expunged, and the following substituted in lieu thereof, viz.:

LXX.

No person holding the office of judge of any court — except special judges—Secretary, Treasurer of the state, Attorney-General, Commissary-General, military officers receiving pay from the continent or this state — excepting officers of the militia occasionally called forth on an emergency — register of deeds, sheriff or officer of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress, or any person holding an office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate or House of Representatives or Council; but his being chosen and appointed to, and accepting the same shall operate as a resignation of his seat in the chair of the Senate or House of Representatives or Council, and the place so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

LXXI.

To the end that there may be no failure of justice or danger to the state by the alterations and amendments made in the constitution, the General Court is hereby fully authorized and directed to fix the time when the amendments and alterations shall take effect, and make the necessary arrangement accordingly. That the last paragraph in the constitution be expunged, and the following substituted in lieu thereof, viz.:

LXXII.

It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first

annual meeting for the choice of Senators after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant this purpose, among the others, for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution. And the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision; and a return of the number of votes for and against such necessity shall be made by the clerk, sealed up, and directed to the General Court at their then next session; and if it shall appear to the General Court by such returns that the sense of the people of the state has been taken, and that in the opinion of the majority of the qualified voters in the state present and voting at said meeting there is a necessity for a revision of the constitution, it shall be the duty of the General Court to call a convention for that purpose; otherwise the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned; the delegates to be chosen in the same manner, and proprotioned as the representatives to the General Court; *provided* that no alterations shall be made in this constitution before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting on the subject. And the same method of taking the sense of the people as to the revision of the constitution and calling a convention for that purpose shall be observed afterwards at the expiration of every seven years.

JOHN PICKERING,
President P. T.

Attest:
JOHN CALFE, *Secretary.*

VOTE ON ARTICLES OF AMENDMENT TO THE CONSTITUTION OF NEW HAMPSHIRE, SUBMITTED TO THE PEOPLE MAY 7, 1792.

Number of Question	Yeas	Nays	Number of Question	Yeas	Nays
1	994	3,993	37	2,677	1,558
2	3,760	293	38	2,422	1,113
3	3,567	462	39	2,467	1,220
4	3 336	594	40	2,104	1,270
5	2,511	1,554	41	2,287	1,336
6	3,080	969	42	2,553	1,044
7	3,175	914	43	1,929	1,584
8	1.627	2,226	44	2,102	1.320
9	4.285	219	45	2,356	1,113
10	4,330	144	46	4,623	820
11	2,128	1,846	47	2,384	1,092
12	2,407	1,478	48	2,165	1,248
13	2,624	1,219	49	2,748	649
14	2,722	1,102	50	3,284	371
15	2,300	1,500	51	2,391	1,019
16	2,542	1.174	52	2,869	714
17	2,763	1,065	53	3,111	426
18	2,343	1,541	54	2,168	1,368
19	2,135	1,657	55	1,540	1,911
20	2,329	1,191	56	2,156	1,192
21	2,693	1,034	57	1,883	1,340
22	2,946	813	58	2,228	1,103
23	2,565	1,007	59	2,607	912
24	2,868	800	60	3,140	499
25	2,406	1,255	61	2,899	450
26	2,653	1,120	62	3,268	294
27	2,883	489	63	2,540	404
28	3,087	460	64	2,905	439
29	2,018	1,769	65	2,852	302
30	2,475	1,163	66	3,037	300
31	2,203	1,454	67	3,085	205
32	1,920	1,611	68	2,244	907
33	2,659	1,061	69	2,127	682
34	2,319	1,258	70	2,499	867
35	2,183	1,330	71	3,104	226
36	2,327	1,196	72	3,327	187

ARTICLES

IN ADDITION TO AND

AMENDMENT

OF THE

CONSTITUTION

OF THE

STATE OF NEW HAMPSHIRE

AGREED TO BY THE

CONVENTION

OF SAID STATE

AND SUBMITTED TO THE PEOPLE THEREOF
FOR THEIR APPROBATION

AUGUST 27, 1792

IN CONVENTION HELD AT CONCORD THE LAST *Wednesday* OF *May*, 1792, BY *adjournment*.

Whereas, upon examining the returns from the several towns and unincorporated places, it appears that under the heads *Senate*, *Governor*, and *Council* many articles are approved by two thirds of the voters, and many are not approved, by reason whereof said amendments are rendered inconsistent and contradictory; and the convention not having the power to reject what has been approved by the people as aforesaid.

THEREFORE, *resolved* that articles be again sent out to be laid before the several towns and unincorporated places on the *twenty seventh* day of *August* next, that the whole may be approved or rejected; and that return thereof be made to the convention on the *fifth* day of *September* next. And that the articles which have been already approved by more than two thirds of the voters, and not inconsistent or contradictory, be printed, that it may be known what articles have been ratified by the people.

And whereas, if the articles now sent out are not approved by two thirds of the qualified voters the last clause in the exclusion bill, which is in the following words, "No member of the Council shall have a seat in the Senate or House of Representatives," will be repugnant to other parts of the constitution, *therefore*, *resolved* that an article be sent out for expunging said clause.

ARTICLE.

"No member of the Council shall have a seat in the Senate or House of Representatives" shall be expunged.

SENATE.

The Senate shall consist of twelve members, who shall hold their office for one year from the first Wednesday of June next ensuing their election.

And, that the state may be equally represented in the Senate, the legislature shall, from time to time, divide the state into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division they shall govern themselves by the proportion of direct taxes paid by said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a Senator at some meeting holden in the month of March.

The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz.: every male inhabitant of each town and parish with town privileges, and places unincorporated, in this state of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for the Senator in the district whereof he is a member.

Provided, nevertheless, that no person shall be capable of being elected a Senator, who is not of the *Protestant religion*, and seized of a freehold estate in his own right of the value of two hundred pounds lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceeding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state in the town, parish, and plantation where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators in the plantations and places wherein they reside as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

The meetings for the choice of Governor, Council, and Senators shall be warned by a warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend), in open meeting

receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for Senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk, in said meeting sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof. And the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie thirty days, at least, before the first Wednesday of June, or to the Secretary of the state at least twenty days before the said first Wednesday of June. And the sheriff of each county, or his deputy, shall deliver all such certificates by him received into the Secretary's office at least twenty days before the first Wednesday of June.

And, that there may be a due meeting of Senators on the first Wednesday of June annually, the Governor and a majority of the Council for the time being shall, as soon as may be, examine the returned copies of such records, and fourteen days before the first Wednesday of June he shall issue his summons to such persons as appear to be chosen Senators by a majority of votes to attend and take their seats on that day.

Provided, nevertheless, that for the first year the said returned copies shall be examined by the President and a majority of the Council then in office; and the said President shall, in like manner, notify the persons elected to attend and take their seats accordingly.

And in case there shall not appear to be a Senator elected by a majority of votes for any district the deficiency shall be supplied in the following manner, viz.: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect by joint ballot the Senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state, and in like manner all vacancies in the Senate arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The Senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided, nevertheless, that whenever they shall sit on the trial of any impeachment they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

The Senate shall appoint their President and other officers and determine their own rules of proceedings; and not less than seven members of the Senate shall make a quorum for doing business; and when less than eight Senators shall be present the assent of five, at least, shall be necessary to render their acts and proceedings valid.

The Senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the House of Representatives against any officer or officers of the state for bribery, corruption, mal-practice, or mal-administration in office; with full power to issue summons or compulsory process for convening witnesses before them. But previous to the trial of any such impeachment the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence. And every officer impeached for bribery, corruption, mal-practice, or maladministration in office shall be served with an attested copy of the impeachment and order of Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel, and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to the laws of the land.

Whenever the Governor shall be impeached the chief justice of the supreme judicial court shall, during the trial, preside in the Senate, but have no vote therein.

EXECUTIVE POWER.

GOVERNOR.

There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be HIS EXCELLENCY.

The Governor shall be chosen annually in the month of *March*; and the votes for Governor shall be received, sorted, counted, certified, and returned in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of June, to be by them examined, and in case of an election by a majority of votes thro' the state the choice shall be by them declared and published.

And the qualifications of electors of the Governor shall be the same as those for Senators; and if no person shall have a majority of votes the Senate and House of Representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor.

And no person shall be eligible to this office unless at the time of his election he shall have been an inhabitant of this state for seven years next preceeding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one half of which shall consist of a freehold in his own right within this state, and unless he shall be of the Protestant religion.

In cases of disagreement between the two houses with regard to the time or place of adjournment or prorogation, the Governor, with advice of Council, shall have a right to adjourn or prorogue the General Court not exceeding ninety days at any one time, as he may determine the public good may require; and he shall dissolve the same seven days before the said first Wednesday of June.

And in case of any infectious distemper prevailing in the place where the said Court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other the most convenient place within the state.

Every bill which shall have passed both houses of the General Court shall, before it become a law, be presented to the Governor; if he approve he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have

originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the Governor, and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney-general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia shall be nominated and appointed by the Governor and Council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place unless a majority of the Council agree thereto. The Governor and Council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the Governor and Council, and every negative shall be also signed by the Governor or Council who made the same.

The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers to the Governor, who is to issue their commissions immediately on receipt of such recommendation.

Whenever the chair of the Governor shall become vacant by reason of his death, absence from the state, or otherwise, the President of the Senate shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution, the Governor is vested with when personally present; but when the President of the Senate shall exercise the office of Governor he shall not hold his office in the Senate.

The Governor, with advice of the Council, shall have full power and authority, in the recess of the General Court, to prorogue the same from time to time, not exceeding ninety days in any one recess of said Court; and during the sessions

of said court to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The Governor of this state for the time being shall be commander-in-chief of the army and navy, and all the military forces of the state by sea and land; and shall have full power by himself, or by any chief commander or other officer or officers, from time to time to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of this state to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them to encounter, repulse, repel, resist, and pursue by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprise, and means all and every such person and persons as shall, at any time hereafter, in a hostile manner attempt or enterprise the destruction, invasion, detriment, or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion declared by the legislature to exist, as occasion shall necessarily require; and surprise by all ways and means whatsoever all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this state; and, in fine, the Governor hereby is entrusted with all other powers incident to the office of captain-general and commander-in-chief and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land: provided that the Governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march, out of the limits of the same without their free and voluntary consent or the consent of the General Court, nor grant commissions for exercising the law martial in any case without the advice and consent of the Council.

The power of pardoning offences, except such as persons may be convicted of before the Senate by impeachment of the House, shall be in the Governor, by and with the advice of the Council; but no charter of pardon granted by the Governor, with advice of Council, before conviction shall avail the party pleading the same, notwithstanding any general or par-

ticular expressions contained therein descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office but by the address of both houses to the Governor, or by fair trial in court-martial pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quarter-masters; the brigadiers, their brigade-majors; the major-generals, their aids; the captains and subalterns, their non-commissioned officers.

The Governor and Council shall appoint all officers of the continental army whom, by the confederation of the United States, it is provided that this state shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies made in pursuance of the militia laws now in force shall be considered as the proper division of the militia of this state until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this state and disposed of (except such sums as may be appropriated for the redemption of bills of credit, or Treasurer's notes, or for the payment of interest arising thereon), but by warrant under the hand of the Governor for the time being, by and with the advice and consent of the Council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same shall, once in every three months, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and all small arms with their accoutrements, and of all other public property under their care respectively, distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons; and the commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

The Governor and Council shall be compensated for their services from time to time by such grants as the General Court shall think reasonable.

Permanent and honourable salaries shall be established by law for the justices of the superior court.

COUNCIL.

There shall be annually elected by ballot five Councillors, for advising the Governor in the executive part of government. The freeholders and other inhabitants in each county qualified to vote for Senators shall some time in the month of March give in their votes for one Councillor, which votes shall be received, sorted, counted, certified, and returned to the Secretary's office in the same manner as the votes for Senators, to be by the Secretary laid before the Senate and House of Representatives on the first Wednesday of June.

And the person having a majority of votes in any county shall be considered as duly elected a Councillor; but if no person shall have a majority of votes in any county the Senate and House of Representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two shall elect by joint ballot the Councillors wanted for such county; and the qualifications for Councillors shall be the same as for Senators.

If any person thus chosen a Councillor shall be elected Governor or member of either branch of the legislature, and shall accept the trust, or if any person elected a Councillor shall refuse to accept the office, or in case of the death, resignation, or removal of any Councillor out of the state, the Governor may issue a precept for the election of a new Councillor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed. And the Governor shall have full power and authority to convene the Council from time to time at his discretion; and with them, or the majority of them, may and shall from time to time hold a Council for ordering and directing the affairs of the state according to the laws of the land.

The members of the Council may be impeached by the House and tried by the Senate for bribery, corruption, mal-practice, or mal-administration.

The resolutions and advice of the Council shall be recorded by the Secretary in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the Council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of ratable polls and proportion of public taxes; each district to elect a Councillor.

And in case of such division the manner of the choice shall be conformable to the present mode of election in counties.

And whereas the elections appointed to be made by this constitution on the first Wednesday of June annually by the two houses of the legislature may not be completed on that day, the said elections may be adjourned from day to day until the same be completed; and the order of the elections shall be as follows: the vacancies in the Senate, if any, shall be first filled up; the Governor shall then be elected, provided there shall be no choice of him by the people; and afterwards the two houses shall proceed to fill up the vacancy, if any, in the Council.

When the foregoing amendments shall become a part of the constitution of this state the several paragraphs now in the constitution established the thirty-first day of October, 1783, under the several heads Senate, Executive Power, or President, and under the head Council be considered as no longer in force.

In convention, voted that the amendments now to be sent out be printed, with the following certificate at the end, viz.:

I, John Philpot, town clerk of Somersworth, do certify that at a legal meeting duly warned and held in the town of Somersworth, in the county of Strafford, this 27th day of August, Anno Domini 1792, for the purpose of considering the foregoing amendments to the constitution of the state of New Hampshire as agreed upon in convention; that there were 14 voters present who voted for the amendments, and 1 voter present who voted against the amendments.

Attest: John Philpot, Town Clerk.

In convention, resolved that the following articles of amendments, being approved by the people, are so unconnected with other articles that there is no necessity for again submitting them to the people to be voted upon, viz.: the 2, 3, 4, 6, 7, 9, 10, 26, 27, 28, 39, 49, 50, 51, 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, but that said articles be printed, that the people may be informed what is already ratified.

II.

That the word "assembly" be expunged, and the word "*legislature*" inserted.

III.

That the words "*those of*" be expunged, and the word "*dye*" be expunged, and the word "*offences*" inserted.

IV.

Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions, therefore all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in a warrant to a civil officer to make search of suspected places, or to arrest one or more suspected persons, or to seize their property be not accompanied with a special designation of the person or objects of search or seizure; and no warrant ought to be issued but in case and with the formalities prescribed by law.

VI.

The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

VII.

It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit; it is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations on account of age as may be provided by the constitution of the state, and that they should have honorable salaries ascertained and established by standing laws.

IX.

No member of the General Court shall take fees, be of counsel, or act as advocate in any cause before either branch of the legislature, and upon due proof thereof such member shall forfeit his seat in the legislature.

X.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

XXVI.

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state by a law made for that purpose, such members attending seasonably, and not departing without licence.

All intermediate vacancies in the House of Representatives may be filled up from time to time as the annual elections are made.

XXVII.

The House of Representatives shall be judge of the returns, elections, and qualifications of its members, as pointed out in this constitution.

XXVIII.

The journals of the proceedings and all public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member the yeas and nays upon any question shall be entered on the journals; and any member of the Senate or House of Representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons against any vote, resolve, or bill passed, entered on the journals.

XXXIX.

The several paragraphs under the head President in the constitution shall be altered by expunging the word President, and inserting the word Governor in lieu thereof.

XLIX.

The Secretary of the State shall at all times have a deputy, to be by him appointed, for whose conduct in office he shall be responsible; and in case of death, removal, or inability of the Secretary his deputy shall exercise all the duties of the office of Secretary of this state until another shall be appointed.

L.

The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum for the use of the state for the punctual performance of his trust.

LI.

The county treasurer and register of deeds shall be elected by the inhabitants of the several towns in the several counties in the state according to the method now practiced, and the laws of the state, provided, nevertheless, the legislature shall have authority to alter the manner of certifying the votes and the mode of electing those officers, but not so as to deprive the people of the right they now have of electing them.

LII.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds.

LIII.

The county treasurer and register of deeds, before they enter upon the business of their offices, shall be respectively sworn faithfully to discharge the duties thereof, and severally give bond, with sufficient sureties, in a reasonable sum for the use of the county or district for the punctual performance of their respective trusts.

LVIII.

The General Court are impowered to give to justices of the peace jurisdiction in civil causes where the damages demanded shall not exceed four pounds, and title of real estate is not concerned, but with right of appeal to either party to some other court, so that a trial by jury in the last resort may be had.

LIX.

No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county after he has attained the age of seventy years.

LX.

No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before him as a judge or justice of the peace.

LXI.

All matters relating to the probate of wills and granting of letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed, or may hereafter direct. And the judges of probate shall hold their courts at such place or places on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

LXII.

No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.

LXIII.

That the paragraphs under the head of clerks of courts in the constitution be expunged, and the following substituted.

LXIV.

The judges of the courts, those of the probate excepted, shall appoint their respective clerks, to hold their office during pleasure, and no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

LXV.

That the paragraphs in the constitution under the head "*delegates to Congress*" be expunged.

LXVI.

The oath of allegiance in the constitution shall be expunged, and the following substituted in lieu thereof, viz.:

I, A. B., do solemnly swear that I will bear faith and true allegiance to the state of Newhampshire, and will support the constitution thereof. So help me God.

LXVII.

Any person having taken and subscribed the oath of allegiance shall not be obliged to take said oath again.

LXVIII.

And the oaths or affirmations shall be taken and subscribed by the Governor before the President of the Senate in presence

of both houses of the legislature, and by the Senators and Representatives first elected under this constitution, as amended and altered, before the President of the state and a majority of the Council then in office, and forever afterwards before the Governor and Council for the time being, and by all other officers before such persons and in such manner as the legislature shall from time to time appoint.

LXIX.

That the fifteenth paragraph in the constitution under the head "*oaths, subscriptions, &c.,*" be expunged, and the following substituted in lieu thereof.

LXX.

No person holding the office of judge of any court (except special judges) Secretary, Treasurer of the state, Attorney-General, Commissary-General, military officers receiving pay from the continent or this state, excepting officers of the militia occasionally called forth on an emergency, register of deeds, sheriff, or officer of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of Congress, or any person holding an office under the United States, shall at the same time hold the office of Governor, or have a seat in the Senate or House of Representatives or Council, but his being chosen and appointed to, and accepting the same, shall operate as a resignation of his seat in the chair, Senate or House of Representatives or Council, and the place so vacated shall be filled up. No member of the Council shall have a seat in the Senate or House of Representatives.

LXXI.

To the end that there may be no failure of justice or danger to the state by the alterations and amendments made in the constitution, the General Court is hereby fully authorized and directed to fix the time when the amendments and alterations shall take effect, and make the necessary arrangements accordingly.

That the last paragraph in the constitution be expunged, and the following substituted in lieu thereof, viz.:

LXXII.

It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first an-

nual meeting for the choice of Senators after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution. And the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision, and a return of the number of votes for and against such necessity shall be made by the clerk, sealed up, and directed to the General Court at their then next session. And if it shall appear to the General Court by such returns that the sense of the people of the state has been taken, and that in the opinion of the majority of the qualified voters in the state present and voting at said meetings there is a necessity for a revision of the constitution, it shall be the duty of the General Court to call a convention for that purpose, otherwise the General Court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned.

The delegates to be chosen in the same manner, and proportioned as the Representatives to the General Court; provided that no alterations shall be made in this constitution before the same shall be laid before the towns and unincorporated places, and approved by two thirds of the qualified voters present and voting on the subject. And the same method of taking the sense of the people as to the revision of the constitution, and calling a convention for that purpose, shall be observed afterwards at the expiration of every seven years.

SAMUEL LIVERMORE, *President.*

Attest: JOHN CALFE, *Secretary.*

VOTE ON ARTICLES OF AMENDMENT TO CONSTITUTION OF NEW HAMPSHIRE, SUBMITTED TO THE PEOPLE AUG. 27, 1792.

Ayes, 2,122; Noes, 978.

Constitution Unchanged, 1792 to 1852. Notwithstanding the people were periodically given opportunity by the General Court to order the calling of another constitutional convention, they declined to do so, and the constitution as amended in 1792 was the fundamental law of the state for sixty years. No other state of the American Union has preserved any constitution ratified by the people unmodified for so long a period, although North Carolina closely approached it.

The following table shows the dates of the approval of the several acts of the legislature passed during that period, providing for taking the sense of the qualified voters on the expediency of calling a convention to revise the constitution, and the aggregate, the affirmative, and the negative votes on the question as returned by the town clerks:

Date of Act	Total	Yea	Nay
1799,[1] December 13	6,724	2,478	4,246
1806,[2] June 11	12,625	1,722	10,903
1813, June 24			
1820, December 13	16,260	2,407	13,853
1833, January 5	16,441	4,623	11,818
1833, July 6	18,156	5,973	12,183
1837, July 1	19,651	2,821	16,830
1844, June 19	31,849	10,855	20,994
1846, July 10	16,998	4,583	12,415
1849, July 7	43,359	28,877	14,482

The act of June 19, 1844, above cited, differs in its form from that previously followed by the legislature in providing for taking the sense of the people upon the expediency of calling a convention to revise the constitution. For the first time the legislature expresses in such an act its sense that it is expedient to alter the constitution in certain particulars. This act, as hereafter will be noticed, became a precedent in the decade 1860-70. It reads as follows:

WHEREAS, the good citizens of this state have for a long time, and still are divided in opinion as to the powers conferred on the legislature by the constitution in relation to corporations; and whereas there are certain express provisions in this instrument in relation to property and religious qualifications which it is believed are illiberal and unjust; and whereas this legislature believes the same not to be in accordance with the spirit of the age in which we live; therefor,

Resolved by the Senate and House of Representatives in Gen-

[1] Recorded Acts in office of Secretary of State, vol. 7, p. 128.

[2] Id., vol. 7, p. 200.

eral Court convened, that the selectmen of the several towns and places in this state be directed to insert in their warrants, calling the meetings for choice (of) electors of President and Vice-President in November next, an article which shall be the following: "Is it expedient to alter the constitution?" And the several clerks of such places and towns are directed to return the votes of their respective towns and places to this legislature on or before the first day of its adjourned session.

Approved June 19, 1844.

Fifth Constitutional Convention, 1850-51. On Wednesday, November 6, 1850, this convention assembled in Concord, and organized by electing Franklin Pierce of Concord President, and Thomas J. Whipple of Laconia Secretary.

The following rules of procedure were adopted by the convention:

1. The President shall take the chair at precisely the hour to which the convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. All committees shall be appointed by the President unless otherwise directed by the convention; and the first named member of any committee appointed by the President shall be chairman.

3. In case of any disturbance or disorderly conduct in the galleries the President, or chairman of the committee of the whole convention, shall have the power to order the same to be cleared.

4. No person but the members and officers of the convention shall be admitted within the chamber unless by invitation of the President or of some member of the Convention.

5. When a member is about to speak in debate or deliver any matter to the convention, he shall rise and address himself to the President.

6. No member shall speak more than twice to the same question without leave of the convention.

7. When any question is under debate no motion shall be received but 1st, to adjourn; 2d, to lie on the table; 3d, to postpone to a day certain; 4th, to commit; 5th, to amend; which several motions shall take precedence in which they are arranged. Motions to adjourn and lie on the table shall be decided without debate.

8. Any member may call for a division of the question when the sense will admit of it; but a motion to strike out and insert shall not be divided.

9. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the convention.

10. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

11. Every question shall be decided by yeas and nays whenever a demand for the same shall be made and sustained by at least ten members.

12. The convention may resolve itself into a committee of the whole convention at any time on the motion of a member, and in forming a committee of the whole the President shall leave the chair and appoint a chairman to preside in committee; and the rules of proceeding in convention, and the rule relating to calls for the yeas and nays shall be observed in committee of the whole, except the rule limiting the times of speaking.

13. After the journal has been read and corrected the order of business shall be as follows, viz.:

1st. The presentation of petitions.
2nd. The report of committees.
3rd. The unfinished business of the preceding day.

On November 8th the President announced the standing committees, naming their chairmen as follows:

On the Bill of Rights,

Ichabod Bartlett, Portsmouth.

The Executive Department,

Samuel Swasey, Haverhill.

The Legislative Department,

Charles G. Atherton, Nashville.

The Judicial Department,
Levi Woodbury, Portsmouth.

The Militia,
John Wadleigh, Meredith.

The Religious and Property Test,
William P. Weeks, Canaan.

Amendments to the Constitution,
George W. Nesmith, Franklin.

Miscellaneous and Subjects Not Otherwise Provided for,
Benning W. Jenness, Strafford.

Revising Business,
James Bell, Gilford.

Education,
Levi W. Leonard, Dublin.

Some of the other leading members of this convention were William Plumer, Jr., of Epping, Gilman Marston and J. G. Hoit of Exeter, Thomas E. Sawyer of Dover, Charles Lane of Gilford, Joel Eastman of Conway, N. G. Upham and George Minot of Concord, William C. Clarke of Manchester, Edmund Parker and George Y. Sawyer of Nashua, Daniel Abbott of Nashville, John H. Steele of Peterborough, Edwin D. Sanborn of Hanover, and Samuel Swasey of Haverhill.

This convention proceeded to revise the constitution by considering it under its separate and consecutive heads in committee of the whole. The various proposed amendments and resolutions were then sent to special and appropriate committees as instructions from the convention.

The political conditions in the state at the time when this convention assembled, its leadership under Franklin Pierce, and the eminence of many of its other members, its deliberate judgment, expressed by the amendments proposed, that the social, economic, and religious changes which had taken place in New Hampshire during the last two generations required

radical and extensive alterations in the structure of the government, its submission to the people of a draft of an amended constitution embodying the numerous amendments deemed necessary to effect such changes, and the prompt rejection by the people of all these proposed amendments, unite to make this convention unique in the constitutional history of the state.

A large number of the amendments proposed by this convention to the people do not appear in its journal except as they are embodied in their appropriate places in the draft of its authorized "Amended Constitution of the State of New Hampshire." Comparison of its text with that of the constitution of 1784, as amended in 1792, shows that the most important of the numerous amendments submitted to the people for ratification were those providing for a change in the basis and ratio of representation in the House; a Senate of thirty members, and a division of the state into fifteen senatorial districts; the abolition of the Council; establishment of the office of Lieutenant-Governor; biennial elections of state officers, and biennial sessions of the legislature; abolition of religious tests and property qualifications for office; the initiation of amendments to the constitution upon the vote of two thirds of the members elected to each house of two successive legislatures, the same to be valid if ratified by two thirds of the qualified voters of the state voting thereon; the election of judges of the supreme court and other higher courts, the attorney-general, and railroad commissioners by a plurality of the qualified voters of the state, and for a term of six years, and the decision of all elections by plurality vote.

It was voted to submit the proposed amendments in the form of fifteen questions to the people for their approval at the annual town meetings to be held on the second Tuesday of March, 1851.

The convention was in session from November 6 to November 22, 1850, and from December 3, 1850, to January 3, 1851, on which date it adjourned to April 16.

The amended constitution embodying all the amendments proposed by the convention for ratification, with its resolutions for submitting them to the people in the form of fifteen questions, and their votes thereon appear on the following pages.

THE

AMENDED CONSTITUTION

OF THE

STATE OF NEW HAMPSHIRE

WITH THE

RESOLUTIONS

FOR SUBMITTING THE AMENDMENTS

TO THE PEOPLE.

CONCORD:
BUTTERFIELD AND HILL, STATE PRINTERS.
1851.

IN CONVENTION, January 3, 1851.

Extract from the Report of the Committee on Measures and Ordinances:

Resolved, that the Secretary of this convention be directed to procure to be printed seventy thousand copies of the constitution, as altered and amended by the convention, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause the same to be distributed, as soon as may be, to the town clerks of the respective towns, wards, and places in the state for the use of the qualified voters, in numbers proportioned, as near as may be, to the number of the legal voters in the said respective towns, wards, and places.

A true copy: attest, THOMAS J. WHIPPLE
Secretary.

THE AMENDED CONSTITUTION

OF THE

STATE OF NEW HAMPSHIRE

BILL OF RIGHTS.

ARTICLE 1. All men are born equally free and independent; therefore, all government of right originates with the people, is founded in consent, and instituted for the general good.

2. All men have certain natural, essential, and inherent rights, among which are the enjoying and defending life and liberty, the acquiring, possessing, and protecting property, and, in a word, the seeking and obtaining happiness.

3. When men enter into a state of society they surrender up some of their natural rights to that society in order to insure the protection of others, and without such an equivalent the surrender is void.

4. Among the natural rights, some are in their very nature inalienable, because no equivalent can be given or received for them; of this kind are the rights of conscience.

5. Every individual has a natural and inalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested, or restrained in his person, liberty, or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious professions, sentiments, or persuasion, provided he does not disturb the public peace, or disturb others in their religious worship.

6. As morality and piety, rightly grounded on the principles of the Bible, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through society by the institution of the public worship of the Deity, and of public instruction

in morality and religion, therefore, to promote those important purposes the people of this state have the right to empower, and do hereby fully empower the several religious societies which may at any time exist within this state to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion, and morality; provided that such religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance; and no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination; and every religious denomination, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.

7. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not, or may not hereafter be by them expressly delegated to the government of the United States.

8. All power residing originally in, and being derived from the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

9. No office or place whatsoever in government shall be hereditary, the requisite ability and integrity not being transmitted to posterity or relations.

10. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men, therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government. The doctrine of non-resistance to arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

11. All elections ought to be free; and every inhabitant of the state having the proper qualifications has an equal right to elect and be elected into office.

12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property. He is therefore bound to contribute his share of the expense

of said protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses without his own consent or the authority of law. Nor are the inhabitants of this state controllable by any other laws than those enacted in conformity to this constitution and that of the United States.

13. No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent.

14. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character, to obtain right and justice freely, without being obliged to purchase it, completely and without any denial, promptly and without any delay, conformably to the laws.

15. No subject shall be held to answer for any crime or offence until the same is fully and plainly, substantially and formally described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him face to face, and to be fully heard in his defence by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate but by the judgment of his peers or the law of the land.

16. No subject shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service,) without trial by jury.

17. In criminal prosecutions the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the supreme court that an impartial trial cannot be had in the county where the offence may be committed, and they shall direct the same to be had in the nearest county in which an impartial trial can be obtained.

18. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like which they do to those of murder and treason. Where the same undistinguishing

severity is exerted against all offences the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishment being to reform, not to exterminate mankind.

19. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial in prosecutions for criminal matters are contrary to this right if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant to a civil officer to make search in suspected places, or to arrest one or more suspected persons, or to seize their property be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrent ought to be issued but in cases, and with the formalities prescribed by law.

20. In all controversies concerning property, and in all suits between two or more persons, except in cases otherwise provided for in the constitution or laws made in pursuance thereof by the legislature, the parties have a right to trial by jury; but the court shall try the facts as well as the law in cases where the parties agree.

21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury great care ought to be taken that none but qualified persons should be appointed to serve, and such ought to be fully compensated for their travel, time, and attendance.

22. The liberty of the press is essential to the security of freedom in a state; it ought, therefore, to be inviolably preserved.

23. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offences.

24. A well regulated militia is the proper, natural, and sure defence of a state.

25. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

26. In all cases and at all times the military ought to be under strict subordination to, and governed by the civil power.

27. No soldier in time of peace shall be quartered in any house without the consent of the owner; and in time of war such quarters ought to be made only by the civil magistrate, in a manner ordained by the legislature.

28. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

30. The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people that its exercise cannot be the foundation of any action, complaint, or prosecution against any member thereof in any other court or place whatsoever.

31. The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them and of the grievances they suffer.

33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy and except the militia in actual service.

35. Arrest or imprisonment on mesne or final process, founded on contract, shall not be allowed unless the creditor or his agent shall previously make oath or affirmation of his belief that the debtor has fraudulently concealed or conveyed his property to place it beyond the reach of his creditors, or is about to leave the state to avoid the payment of his debts.

36. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit.

37. Economy being a most essential virtue in all states, no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than two years at a time.

38. In the government of this state the three essential powers thereof, to wit: the legislative, executive, and judicial, ought

to be kept as separate from and independent of each other as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

39. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their law-givers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

40. Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislature and magistrates, in all future periods of this government, to cherish the interests of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments among the people.

41. Perpetuities are contrary to the genius of a free government, and shall never be allowed; and the legislature shall possess the power at all times to alter, amend, or repeal any legislative act conferring corporate powers, franchises, or privileges, as the public good shall be deemed to demand.

PART SECOND.

FORM OF GOVERNMENT.

1. The people inhabiting the territory formerly called the Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic or state by the name of the State of New Hampshire.

LEGISLATURE.

2. The supreme legislative power within this state shall be vested in the Senate and House of Representatives, each of which shall have a negative on the other.

3. The Senate and House shall assemble once in two years, on the first Wednesday of June next following their election, and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the first Wednesday of June two years after; and shall be styled the "Legislature of New Hampshire."

4. The legislature shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the state for the hearing, trying, and determining all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever arising or happening within this state, or between or concerning persons inhabitating, or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon; to which courts and judicatories are hereby given and granted full power and authority from time to time to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

5. And, further, full power and authority are hereby given and granted to the said legislature from time to time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution or the constitution of the United States, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defence of the government thereof; to provide for the enrolling, organizing, and disciplining the militia in such manner as they may deem expedient, not repugnant to the constitution and laws of the United States; and to name and settle, or provide by fixed laws for the naming and settling all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall

be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, the residents within the said state, and upon all estates within the same, to be issued and disposed of by warrant under the hand of the Governor of this state for the time being for the public service in the necessary defence and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be in force within the same.

6. And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised, in order that such assessments may be made with equality there shall be a valuation of the estates within the state taken anew once in every five years at least, and as much oftener as the legislature shall order.

7. No member of the legislature shall take fees, be of counsel, or act as advocate in any cause before either branch of the same; and upon due proof thereof such member shall forfeit his seat in the legislature.

8. The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

9. All elections by the legislature or by either branch thereof shall be viva voce.

10. All elections by the people shall be determined by a plurality of votes.

11. The legislature shall have no power, unless by a vote of two-thirds of the members elected to either branch thereof, to borrow money, or otherwise involve the state in debt to an amount exceeding one hundred thousand dollars, except in case of war, invasion, or insurrection.

12. No town or incorporated place shall have the right, either directly or indirectly, to suffer their credit to be used for the especial benefit of any corporation, nor to raise money for the purpose of loaning the same to any corporation, nor for taking stock therein.

13. The legislature shall never authorize any lottery, but shall prohibit, under proper penalties, the sale of lottery tickets within this state.

HOUSE OF REPRESENTATIVES.

14. There shall be, in the legislature of this state, a representation of the people elected once in two years, and founded upon principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, having one hundred and seventy-five ratable polls of twenty-one years of age and upwards, who shall have resided in this state six months or more immediately preceding the election, paupers and foreigners not naturalized excepted, may elect one Representative; if seven hundred and fifty ratable polls, may elect two Representatives; if fifteen hundred and fifty ratable polls, may elect three Representatives; if twenty-five hundred and fifty ratable polls, may elect four Representatives; and so proceeding, making one thousand such ratable polls the mean increasing number for every additional Representative after the third. Such towns and places as have less than one hundred and seventy-five ratable polls may elect a Representative such proportion of the time as the number of their ratable polls shall bear to one hundred and seventy-five; provided that such towns and places as shall not have one hundred and seventy-five ratable polls, and shall be conveniently located for that object, may, on application to the legislature, be classed for the choice of a Representative, such classed towns not to contain less than one hundred and seventy-five ratable polls in each representative district so formed; and provided, further, that all towns, cities, or places which now are, or hereafter may be divided into sections or wards for the choice of Representatives shall, for the purpose of apportioning the number of Representatives to the number of ratable polls, be considered as undivided; and provided, further, that such towns and places as have less than one hundred and seventy-five ratable polls, and are entitled to representation a portion of the time under this constitution, shall have the right to elect a Representative at the first election under this constitution as a part of that portion, and that the legislature may prescribe the manner in which their rights of election, as to their proportional time, shall be determined; leaving to said towns or places, as far as consistent with this constitution, the selection of the years when they will exercise their rights.

15. The members of the House of Representatives shall be chosen biennially, in the month of March, and shall be the second branch of the legislature.

16. All persons qualified to vote in the election of Senators shall be entitled to vote within the district where they dwell in the choice of Representatives.

17. Every member of the House of Representatives shall be chosen by ballot; and for two years, at least, next preceding his election shall have been an inhabitant of the state; shall be at the time of his election an inhabitant of the town or place he may be chosen to represent; and shall cease to represent such town or place immediately on his ceasing to be an inhabitant thereof.

18. The members of both houses of the legislature shall be compensated for their services out of the treasury of the state by a law made for that purpose, such members attending seasonably, and not departing without license.

19. All intermediate vacancies in the House of Representatives may be filled up from time to time in the same manner as biennial elections are made.

20. The House of Representatives shall be the grand inquest of the state, and all impeachments made by them shall be heard and tried by the Senate.

21. All money bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

22. The House of Representatives shall have power to adjourn themselves, but no longer than two days at a time.

23. A majority of the members of the House of Representatives shall be a quorum for doing business; but when less than two thirds of the Representatives elected shall be present the assent of two thirds of those members shall be necessary to render their acts and proceedings valid.

24. No member of the House of Representatives or Senate shall be arrested, or held to bail, on mesne process during his going to, or returning from, or attendance upon the legislature.

25. The House of Representatives shall choose their own Speaker, appoint their own officers, and settle the rules of proceeding in their own house; and shall be judges of the returns, elections, and qualifications of their members, as pointed out in this constitution. They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the House in its presence by any disorderly and contemptuous behavior, or by threatening or ill treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session, in assaulting or disturbing any one of its officers in the

execution of any order or procedure of the House, in assaulting any witness or other person ordered to attend by and during his attendance of the House, or in rescuing any person arrested by order of the House, knowing him to be such.

26. The Senate shall have the same powers in like cases, provided that no imprisonment by either for any offence shall exceed ten days.

27. The journals of the proceedings, and all public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation; and upon motion made by ten members of the House of Representatives, or by two members of the Senate, the yeas and nays upon any question shall be entered on the journal; and any member of the Senate or House of Representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed entered on the journal.

SENATE.

28. The Senate shall consist of thirty members, who shall hold their office for two years from the first Wednesday of the June next following their election.

29. And that the state may be equally represented in the Senate the legislature shall, from time to time, divide the state into fifteen districts, in each of which two Senators shall be elected, and make known to the inhabitants of the state the limits of such districts. Each of these senatorial districts shall be formed of contiguous territory, of compact and convenient form, and of ratable polls as nearly equal as may be without dividing towns or cities. Changes in the senatorial districts may be made by the legislature, for the purpose of rendering the number of ratable polls more equal, not oftener than once in six years.

30. The inhabitants of each district, qualified as in this constitution is provided, shall biennially give in their votes for Senators at some meeting holden in the month of March.

31. The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner: every male inhabitant of each town, ward, and place with town privileges, and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers and foreigners not naturalized, shall have a right at the meetings of the inhabitants of said towns, wards, and places to be duly warned and holden biennially forever in the month of March, to vote

in the town, ward, or place wherein he dwells for Senators in the district whereof he is a member.

32. Provided, nevertheless, that no person shall be capable of being elected a Senator within this state who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time thereof he shall be an inhabitant of the district for which he shall be chosen, and shall cease to be a Senator when he ceases to be an inhabitant of the district.

33. And every person qualified as this constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this state in the town, ward, or place where he dwells and has his home.

34. And the inhabitants of places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of the government, or shall be taxed therefor, shall have the same privileges of voting for Senators in the places wherein they reside as the inhabitants of the respective towns and places aforesaid have. And the meetings of such places for that purpose shall be holden biennially in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, and collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

35. The meetings for the choice of Governor, Lieutenant-Governor, Senators, and other officers required to be elected by this constitution shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, whose duty it shall be to attend, in open meeting receive the votes of all the inhabitants of such towns, wards, and places present and qualified to vote for Senators; and shall in said meetings, in the presence of said selectmen and of the town clerk, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town clerk shall make a fair record of the same at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of State, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the Secretary of State at least thirty days before the first Wednesday of June next following; provided that the legislature may authorize, by a general law, all such towns having

more than seven hundred and fifty ratable polls, as may adopt the same, to receive votes at town meetings in such other manner as the legislature may prescribe.

36. And that there may be a due meeting of Senators on the first Wednesday of June biennially, the Governor and the Secretary of State shall, as soon as may be, examine the returned copies of such records; and fourteen days before said first Wednesday of June the Governor shall issue his summons to such persons as appear to be chosen Senators to attend and take their seats on that day.

37. And in case there shall not appear to be two Senators elected for any district the deficiency shall be supplied in the following manner, viz.: the members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of the two persons, neither of whom are elected, having the highest number of votes in said district, if there is one Senator wanted for said district, and if two Senators are wanted for said district, the names of the four persons having the highest number of votes in said district, and out of them shall elect, by joint vote, the Senator or Senators wanted for such district. And in this manner all such vacancies shall be filled in every district of the state; and in a like manner all vacancies in the Senate arising by death, removal out of the district, or otherwise, shall be supplied as soon as may be after such vacancies happen.

38. The Senate shall be final judges of elections, returns, and qualifications of their own members, as pointed out in this constitution.

39. The Senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time; provided, nevertheless, that whenever they shall sit on the trial of any impeachment tney may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

40. The Senate may appoint a President pro tempore and other officers, and determine their own rules of proceeding; and not less than twenty members of the Senate shall make a quorum for doing business; and when not more than twenty-two Senators shall be present the assent of fifteen, at least, shall be necessary to render their acts and proceedings valid.

41. The Senate shall be a court with full power and authority to hear, try, and determine all impeachments made by the House of Representatives against any officer or officers of the state for bribery, corruption, mal-practice, or mal-administration in office, with full power to issue summons or compulsory

process for convening witnesses before them; but previous to the trial of any such impeachment the members of the Senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence. And every officer impeached for bribery, corruption, mal-practice, or mal-administration in office shall be served with an attested copy of the impeachment and order of the Senate thereon, with such citation as the Senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the Senate may appoint, at least fourteen days previous to the time of trial; and, such citation being duly served and returned, the Senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

42. Their judgment, however, shall not extend further than removal from office and disqualification to hold or enjoy any place of honor, trust, or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to the laws of the land.

43. Whenever the Governor or Lieutenant shall be impeached the chief justice of the supreme court shall, during the trial, preside in the Senate, but have no vote therein.

EXECUTIVE POWER—GOVERNOR.

44. There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire, and whose title shall be His Excellency.

45. There shall also be a Lieutenant-Governor of the state, whose title shall be His Honor; and whose duty it shall be to preside in the Senate; but he shall have no vote therein, except in case of an equal division.

46. The Governor and Lieutenant-Governor shall be chosen biennially in the month of March; and the votes for these officers shall be received, sorted, counted, certified, and returned in the same manner as the votes for Senators; and the Secretary shall lay the same before the Senate and House of Representatives on the first Wednesday of June biennially, to be by

them examined; and in case of an election by a plurality of votes through the state the choice shall be by them declared and published. And the qualifications of electors of Governor and Lieutenant-Governor shall be the same as those of Senators. But should it ever so happen that there shall be no choice of Governor or Lieutenant-Governor by a plurality of votes by reason of two or more persons, voted for for the same office, having an equal number of votes, then the Senate and House of Representatives shall by joint vote elect one of the two or more persons having the highest number of votes for said offices respectively; and shall declare him Governor or Lieutenant-Governor as the case may be. And no person shall be eligible to either of these offices unless, at the time of his election, he shall be of the age of thirty years, and shall have been an inhabitant of this state for seven years next preceding.

47. In cases of disagreement between the two Houses with regard to the time or place of adjournment or prorogation, the Governor shall have a right to adjourn or prorogue the legislature not exceeding ninety days at any one time, as he may determine the public good may require. And he shall dissolve the same seven days before the first Wednesday of June biennially. And in case of any infectious distemper prevailing in the place where the said legislature at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the Governor may direct the session to be holden at some other, the most convenient place within the state.

48. Every bill which shall have passed both branches of the legislature shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it; but if not he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted,) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the legislature, by their

adjournment, prevent its return, in which case it shall not become a law.

49. Every resolve shall be presented to the Governor, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

50. All officers whose election or appointment is not otherwise provided for shall be nominated by the Governor and confirmed by a majority of the Senate; and every such nomination shall be made at least three days prior to such confirmation. The nomination shall be in writing, signed by the Governor, and the confirmation or rejection shall be signed by the presiding officer of the Senate.

51. Whenever the office of Governor shall become vacant by reason of his death, absence from the state, or otherwise, the Lieutenant-Governor shall, during such vacancy, have and exercise all the authorities with which the Governor, by this constitution, is vested when personally present; and in case the office shall become vacant by reason of the death of the Lieutenant-Governor, or other cause, the President pro tempore of the Senate shall, during such vacancy, have and exercise the same powers and authorities; but when the Lieutenant-Governor or President pro tempore of the Senate shall exercise the office of Governor he shall not preside in the Senate.

52. The Governor shall have full power and authority, in recess of the legislature, to prorogue the same from time to time, not exceeding ninety days in any one recess, and, during the sessions of said legislature, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned or prorogued if the welfare of the state should require the same.

53. The Governor of this state for the time being shall be commander-in-chief of the army and navy, and all the military forces of the state by sea and land; and shall have full power, by himself or by any chief commander, or other officer or officers, from time to time to train, instruct, exercise, and govern the militia and navy; to call forth the militia, and to put in warlike posture the inhabitants of the state; to execute the laws of the state and of the United States; to suppress insurrection and repel invasion; and, in fine, the Governor is hereby entrusted with all other powers incident to the office of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution and the laws of the land; provided that the Governor shall not

at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the legislature, nor grant any commissions for exercising the law martial in any case without the advice and consent of the Senate.

54. No officer duly commissioned to command in the militia shall be removed from his office but by the address of both houses to the Governor, or by fair trial in court martial, pursuant to the laws of this state for the time being.

55. The major-generals, brigadier-generals, and commanding officers of regiments shall appoint the staff officers of their divisions, brigades, and regiments respectively; and captains and subalterns their non-commissioned officers.

56. The companies, regiments, brigades, and divisions made in pursuance of the militia laws now in force shall be considered as the proper division of the militia of this state until the same shall be altered by some future law.

57. The power of pardoning offences, except such as persons may be convicted of before the Senate by impeachment of the House, shall be in the Governor; but no charter of pardon granted by the Governor before conviction shall avail the parties pleading the same, notwithstanding any general or particular expressions contained therein descriptive of the offence or offences intended to be pardoned.

58. No moneys shall be issued out of the treasury of this state, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or the payment of interest arising thereon,) but by warrant under the hand of the Governor for the time being for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the legislature.

59. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this state, and all commanding officers of forts and garrisons within the same shall, annually, on the first Wednesday of June, officially, and without requisition, and at other times when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and all small arms with their accoutrements, and all other public property under their care respectively; distinguishing the quantity and kind of each as particularly as may be, together with the condition of such forts and garrisons; and the com-

manding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors adjacent.

60. The Governor and Lieutenant-Governor shall be compensated for their services from time to time by such grants as the legislature shall think reasonable.

61. Permanent and honorable salaries shall be established by law for the justices of the supreme court.

62. And whereas the elections appointed to be made by this constitution on the first Wednesday of June, biennially, by the two houses of the legislature may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the Senate, if any, shall be first filled up, the Governor and Lieutenant-Governor shall then be elected, provided there should be no choice of those officers by the people.

SECRETARY AND TREASURER.

63. The Secretary of the State and State Treasurer shall be elected by the people in the same manner and for the same term as is provided for the election of Governor.

64. The records of the state shall be kept in the office of the Secretary; and he shall attend the Governor, the Senate, and Representatives in person, or by deputy, as they may require.

65. The Secretary of the State shall at all times have a deputy, to be by him appointed, for whose conduct in office he shall be responsible; and in case of the death, removal, or inability of the Secretary his deputy shall exercise all the duties of the office of Secretary of this state until another shall be appointed.

66. The Secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum for the use of the state for the punctual performance of his trust.

COUNTY TREASURER, &C.

67. The county treasurers and registers of deeds shall be elected by the inhabitants of the several towns in the several counties of the state according to the method provided in this constitution and the laws of the state.

68. The legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary, each district to elect a register of deeds; and, before they enter upon the business of their offices, shall

be respectively sworn faithfully to discharge the duties thereof, and shall severally give bond, with sufficient sureties, in a reasonable sum for the use of the county for the punctual performance of their respective trusts.

JUDICIARY POWER.

69. All judicial and other officers shall be duly commissioned and sworn; and the tenure they shall have by law in their offices shall be expressed in their respective commissions.

70. Each branch of the legislature, and the Governor, shall have authority to require the opinion of the Attorney-General upon important questions of law, and upon solemn occasions.

71. All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate shall be heard and tried by the supreme court until the legislature shall by law make other provision; and the legislature shall have power to authorize the trial by jury of all cases in equity, under such rules and regulations as they may, from time to time, ordain or establish.

72. There shall be chosen in each town not less than two nor more than three trial justices, who shall have exclusive original jurisdiction in all civil causes where the amount in controversy shall not exceed fifty dollars, unless in cases where the title to real estate is concerned the legislature shall otherwise provide; and the legislature is authorized to extend the jurisdiction of such justices to such further amount, not exceeding one hundred dollars in all, as they shall deem expedient; and in any cause pending before any trial justice either party shall have the right to a trial by jury, which shall consist of not more than six in number. In all cases where the amount in controversy shall exceed the sum of twenty dollars either party shall have the right of appeal; but in all cases where a less amount shall be in controversy the decision shall be final, both as to the law and the facts, subject only to such right of review as the legislature may prescribe. And in all cases of appeal the legislature may provide that the party who appeals shall give security for the costs that may be recovered against him, and for the payment of double costs by such party in all cases in which the decision shall not be changed upon appeal.

73. No judge of any court or trial justice shall act as attorney, or be of counsel to any party, or originate any civil suit in matters which shall come or be brought before him.

74. Jurisdiction of matters relating to the probate of wills

and granting letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed, or may hereafter direct; and the judges of probate shall hold their courts at such place or places, and on such fixed days as the convenience of the people may require, and the legislature from time to time appoint.

75. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.

APPOINTMENT OF PUBLIC OFFICERS AND TENURE OF OFFICE.

76. Judges of the supreme court, and other judges having jurisdiction throughout the state, the Attorney-General, and the railroad commissioners shall be chosen by ballot by a plurality of the qualified voters throughout the state, and shall hold their offices for six years; provided, however, that the legislature, in order that the judges of the supreme court and the railroad commissioners may not all vacate their offices at the same time, may provide that those who may be first elected under this constitution may hold their offices for different and shorter periods.

77. County judges, judges of probate, registers of probate, sheriffs, and county solicitors shall be chosen by a plurality of the qualified voters in the several counties, and shall hold their offices for four years.

78. Police magistrates shall be elected by the voters of cities for four years, and trial justices by the voters of towns for two years.

79. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct, and shall be commissioned by the Governor.

80. Commissioners in other states, bank commissioners, notaries public, justices of the peace, justices of the quorum, justices of the peace throughout the state, commissary-general, and other officers whose mode of appointment shall not be otherwise provided for in this constitution or by the legislature, shall be appointed by the Governor with the consent of the Senate, and their duties and term of office shall be defined by the legislature.

81. The superintendent of the asylum for the insane shall be appointed by the trustees of that institution, and removable at their pleasure.

82. The warden of the state prison shall be appointed by the Governor with the consent of the Senate; and two commis-

sioners shall be appointed in the same manner, who, together with the Governor, shall constitute a board of supervisors of the state prison. And the warden shall be removable at the pleasure of said board. The duties of said board shall be prescribed by the legislature.

83. The judges of the courts, those of probate excepted, shall appoint their respective clerks, to hold their offices during pleasure; and no such clerk shall act as an attorney, or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

84. Officers shall be chosen or appointed to supply vacancies occurring in any public office in the same manner in which the same was originally filled; but the Governor shall appoint in the case of vacancies occurring in the offices in which, according to the foregoing provisions, the election or appointment is to be made for the state at large, and also in the case of vacancies in the office of county judges.

85. The judges of probate in the several counties shall fill vacancies in the office of registers of probate.

86. The county judges, or, in case there shall be at the time no such judges, the Governor, shall fill vacancies occurring in county offices.

87. The officers appointed to fill vacancies in all the foregoing cases shall hold their offices only until successors shall be chosen or appointed by the regular appointing power.

88. The Governor, upon the address of both houses of the legislature, except where a different mode of removal is provided, may remove any of the foregoing officers for incapacity or malversation in office.

ENCOURAGEMENT OF LITERATURE, &C.

89. The legislature shall make provision for the establishment and maintenance of free common schools at the public expense, and for the assessment and collection, annually, in the several towns and places in this state, of a sum not less than one hundred and twenty-five dollars for every dollar of state taxes apportioned to them respectively, to be applied exclusively to the support of such schools.

90. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature shall direct.

91. The state superintendent shall be chosen biennially by the qualified electors of the state in such manner as the legislature shall provide; his powers, duties, and compensation shall be prescribed by law.

92. There shall also be chosen biennially, by the qualified electors of the state, a commissioner of agriculture, whose duties and compensation shall be prescribed by law.

OATHS AND SUBSCRIPTIONS, EXCLUSION FROM OFFICES; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION, &C.

93. Any person chosen Governor, Lieutenant-Governor, Senator, or Representative, military or civil officer, town officers excepted, accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration:

"I, A. B., do solemnly swear and affirm that I will bear faith and true allegiance to the state of New Hampshire, and will support the constitution thereof. So help me God.

"I, A. B., do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as . . . according to the best of my abilities, agreeably to the rules and regulations of the constitution and the laws of the State of New Hampshire. So help me God."

Any person having taken and subscribed the oath of allegiance, and the same being filed in the Secretary's office, shall not be obliged to take said oath again.

Provided, always, when any person chosen or appointed as aforesaid shall be scrupulous of swearing, and shall decline taking the said oaths, such person shall take and subscribe them, omitting the word "swear," and likewise the words, "So help me God," subjoining instead thereof "This I do under the pains and penalties of perjury."

94. The oaths or affirmations aforesaid shall be taken and subscribed by the Governor and Lieutenant-Governor before the chief, or some other justice of the supreme court, in the presence of both houses of the legislature; and by the Senators and Representatives before the Governor for the time being; and by all other officers before such person, and in such manner, as the legislature shall from time to time direct.

95. All commissions shall be in the name of the state of New Hampshire, signed by the Governor, and attested by the Secretary or his deputy, and shall have the great seal of the state affixed thereto.

96. All writs issuing out of the clerk's office in any of the courts of law shall be in the name of the state of New Hampshire; shall be under the seal of the court whence they issue, and bear test of one of the justices of the court, and be signed by the clerk of such court.

97. All indictments, presentments, and informations shall conclude, "against the peace and dignity of the state."

98. The estate of such persons as may destroy their own lives shall not, for that offence, be forfeited; nor shall any article which shall accidentally occasion the death of any person be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

99. All the laws which have heretofore been adopted, used, and approved in the province, colony, or state of New Hampshire, and usually practiced on in the courts of law, and not repugnant to the provisions of this constitution or the constitution of the United States, shall remain and be in full force until altered or repealed by the legislature.

100. The privilege and benefit of habeas corpus shall be enjoyed in this state in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature except upon the most urgent and pressing occasions, and for a time not exceeding three months.

101. The enacting style in making and passing acts, statutes, and laws shall be, "Be it enacted by the Senate and House of Representatives."

102. No Governor, Lieutenant-Governor, or judge of the supreme court shall hold any office or place under the authority of this state except such as by this constitution he is permitted to hold, saving that the judges of said court may hold the office of justice of the peace throughout the state; nor shall either of said officers hold any place or office, or receive any pension or salary from any other state, government, or power whatever.

103. No person shall be capable of exercising at the same time more than one of the following offices in this state, viz.: judge of probate, sheriff, register of deeds; and never more than two offices of profit which may be held by appointment of the Governor, or Governor and Senate, or Senate and House of Representatives, or courts of law, military offices, and offices of justices of the peace, trial justices, coroners, and notaries public excepted.

104. No person holding the office of judge of any court, Secretary or Treasurer of the state, Attorney-General, Commissary-General, military officers receiving pay from the United States, excepting officers of the militia occasionally called forth on an emergency, register of deeds, sheriff, members of Congress, or any person holding any office under the United States, shall at the same time hold the office of Governor or Lieutenant-Governor, or have a seat in the Senate or House of Rep-

resentatives; his being chosen and appointed to, and accepting the same shall operate as a resignation of his office of Governor, Lieutenant-Governor, Senator, or Representative; and the place so vacated shall be filled up.

105. No member of the Senate or House of Representatives shall be eligible to any office in the state government within the gift of the executive or legislative department during the time for which he shall have been elected, justices of the peace, coroners, notaries public, trial justices, and military officers excepted.

106. No person shall ever be permitted to hold a seat in the legislature, or any office of trust or importance under this government, who in the due course of law has been convicted of bribery or corruption in obtaining an election or appointment.

107. In all cases where sums of money are mentioned in this constitution the value thereof shall be computed in gold and silver according to the provisions of the laws of the United States for the time being.

108. Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered upon their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be duly published. And if, in the legislature next afterwards to be chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people; and if two-thirds of the qualified voters of this state, present and voting thereon at meetings duly called and warned for that purpose, shall approve and ratify the same, then such amendment or amendments shall become a part of the constitution; provided that no amendment or amendments shall be submitted to the people oftener than once in six years; and if more than one amendment be submitted they shall be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the constitution separately.

FRANK PIERCE, President.

Thomas J. Whipple, Secretary.

RESOLUTIONS FOR SUBMITTING THE AMENDMENTS TO THE PEOPLE.

State of New Hampshire.

In the year of our Lord one thousand eight hundred and fifty-one.

In the convention of delegates assembled at Concord on the first Wednesday of November in the year of our Lord one thousand eight hundred and fifty, for the purpose of revising the constitution of this state, in pursuance of an act of the legislature passed July eighth in the year of our Lord one thousand eight hundred and fifty.

1. *Resolved* that the alterations and amendments proposed to the constitution shall be submitted to the qualified voters of the state at the annual town meetings holden on the second Tuesday of March in the year of our Lord eighteen hundred and fifty one, to be by them acted on at said meetings or any adjournment thereof within the same week.

2. *Resolved* that the selectmen of the several towns, wards, and places in the state be directed to insert in their warrants calling the said annual town meetings an article to the following effect:

"To take the sense of the qualified voters whether the alterations and amendments of the constitution proposed by the constitutional convention shall be approved."

3. *Resolved* that the sense of the qualified voters shall be taken under the said article on each of the following questions submitted to them by said convention, by ballot or otherwise, as the said towns, wards, or places shall respectively elect and determine:

Question 1st—Do you approve of the bill of rights, as amended by the convention?

2nd—Do you approve of a House of Representatives, to be constituted and chosen as provided in the amended constitution?

3rd—Do you approve of a Senate, to be constituted and chosen as provided in the amended constitution?

4th—Do you approve of the provisions adopted by the convention on the subject of Governor and Lieutenant-Governor?

5th—Do you approve of the biennial election of Governor, Lieutenant-Governor, and legislature, and of biennial sessions of the legislature, as adopted by the convention?

6th—Do you approve of the amendments proposed by the convention in relation to the election and appointment of county

judges, judges of probate, and other public officers, and their tenure of office?

7th—Do you approve of the amendments proposed relating to trial justices and courts, and their jurisdiction?

8th—Do you approve of the abolition of the religious test and property qualification, as proposed in the amended constitution?

9th—Do you approve of the mode of making future amendments of the constitution, as proposed in the amended constitution?

10th—Do you approve of the amendment providing that the judges of the supreme court and the attorney-general shall be elected by the people, and the tenure of their office?

11th—Do you approve of the amendment requiring the election of a superintendent of public instruction, as provided in the amended constitution?

12—Do you approve of the amendment requiring the election of commissioner of agriculture, as provided for in the amended constitution?

13th—Do you approve of the amendment provided in the amended constitution for deciding all elections by a plurality vote?

14th—Do you approve of the amendment abolishing the Council?

15th—Do you approve of the other alterations and amendments, as made in the amended constitution?

4. *Resolved* that the votes on said questions shall be recorded, copied, sealed up, labelled, directed, and returned by the town clerks to the Secretary of State on or before the 16th day of April, A. D. 1851, under the same penalty by law prescribed for neglect to return the votes for Governor, and said votes shall be by the Secretary of State laid before the convention.

5. *Resolved* that the Secretary of State is hereby directed to furnish blanks to the town clerks of the different towns, wards, and places for the returns of the votes on said questions in the following form:

State of New Hampshire.

Town of County of At a legal meeting of the qualified voters of the town of holden on the 2nd Tuesday of March, A. D. 1851, the votes on the several questions involving the alterations and amendments of the constitution submitted to the qualified voters were as follows:

Question 1st, yeas, nays.
Question 2nd, yeas, nays.
&c. &c., to and including question 15th.

Attest, Town Clerk.

6. *Resolved* that the Secretary of this convention be directed to procure to be printed seventy thousand copies of the constitution as altered and amended by the convention, and the same number of copies of the questions to be proposed to the qualified voters, and the same number of these resolutions, and to cause the same to be distributed as soon as may be to the town clerks of the respective towns, wards, and places in the state for the use of the qualified voters, in numbers proportioned as near as may be to the number of the legal voters in the said respective towns, wards, and places.

FRANK PIERCE, President.

Thomas J. Whipple, Secretary.

VOTE ON FIFTEEN AMENDMENTS TO THE CONSTITUTION SUB

COUNTIES.	First.		Second.		Third.		Fourth.		Fifth.		Sixth.		Seventh.	
	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
Rockingham.....	2,122	4,155	608	5,816	1,375	5,076	1,896	4,540	658	5,758	1,897	4,875	1,757	4,534
Strafford.....	370	3,044	98	3,302	162	3,256	375	3,045	162	3,181	512	2,928	496	2,940
Belknap.....	471	2,584	251	2,809	353	2,723	348	2,678	337	2,836	460	2,618	483	2,554
Carroll.....	363	2,223	296	2,310	271	2,404	265	2,320	223	2,350	263	2,327	267	2,315
Merrimack.....	1,164	3,848	702	4,401	824	4,295	826	4,285	397	4,757	961	4,154	1,272	3,891
Hillsborough.....	3,948	2,504	1,319	5,106	1,839	4,545	3,001	3,006	1,536	4,856	3,345	2,936	3,624	2,456
Cheshire..... ...	2,210	868	874	2,339	815	2,322	1,602	1,366	1,050	2,009	2,092	960	2,028	1,022
Sullivan.....	912	1,844	461	2,310	478	2,175	641	2,043	355	2,421	768	1,915	850	1,883
Grafton..... ...	1,974	3,474	1,095	4,434	1,347	4,153	1,475	3,891	1,152	4,366	1,784	3,722	2,153	3,560
Coos..... ...	1,204	475	485	825	921	714	870	736	493	1,064	1,017	637	1,191	453

MITTED TO PEOPLE ON SECOND TUESDAY OF MARCH, 1851.

Eighth.		Ninth.		Tenth.		Eleventh.		Twelfth.		Thirt'nth.		Fourt'nth.		Fifteenth.	
Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
2,076	4,209	1,599	4,811	1,235	5,268	1,073	5,447	770	5,661	1,655	4,565	1,940	4,289	1,606	4,865
725	2,697	813	2,618	367	3,072	287	3,142	302	3,119	459	2,970	451	3,051	202	3,199
440	2,614	441	2,601	357	2,687	357	2,716	299	2,750	274	2,772	312	2,614	288	2,711
298	2,302	286	2,314	226	2,368	244	2,348	249	2,337	223	2,381	298	2,308	231	2,242
1,107	4,022	972	4,154	818	4,307	602	4,462	520	4,622	493	4,555	1,050	4,102	741	4,328
3,462	2,590	3,536	2,612	2,299	3,807	2,879	3,248	2,868	3,370	2,693	3,377	3,280	2,888	2,416	3,238
2,068	930	1,916	947	1,904	1,256	1,102	1,855	958	1,886	1,156	1,979	1,803	893	1,397	1,074
994	1,868	840	1,840	625	2,084	313	2,296	392	2,294	420	2,240	731	1,919	519	2,066
1,746	3,732	1,835	3,650	1,566	3,940	1,040	4,419	982	4,490	941	4,566	1,744	3,736	1,996	4,049
916	706	985	618	931	655	559	1,034	405	1,212	876	1,237	891	728	762	802

Second Session, 1851. Upon reassembling on April 16, the convention proceeded to canvass the returns of votes upon its proposed amendments, and found that all had been rejected by the people.

This remarkable result of its deliberations called forth the following comment from Governor Dinsmoor in his annual message[1] to the legislature at the June session, 1851:

> The popular reception of the amendments proposed by the convention to revise the constitution is a remarkable incident in our history. Considering the character of that very respectable body, composed, as it is known to have been, of the most able and distinguished representatives of the various classes, occupations, and interests in the state, and enjoying, perhaps, in as high a degree as any former political assembly in New Hampshire, the confidence of their constituents, it was not to have been anticipated that they would be so unfortunate in apprehending the wishes of the people as to fail in securing their acceptance of even one of the numerous amendments submitted for their approval.
>
> It is apparent from this decisive expression of the popular will that the present constitution is, in the main, entirely satisfactory to a large majority of the people; that the alterations demanded by them are few and obvious, and that they neither contemplated nor desired the extensive and radical changes proposed by the convention. This result also inculcates the instructive lesson, which may be useful for our guidance hereafter, that no material or important amendments to the constitution can be expected to find acceptance with the people which are anything more than declaratory of their known sentiments, and that it is always unsafe to assume a knowledge of their opinions when they have not been distinctly pronounced. It would be an error to suppose that all the labor and expense bestowed on this unsuccessful attempt to improve the constitution has been entirely lost. An occasional examination and discussion of the principles and forms of the fundamental law are not without their use, if they serve no other purpose than to bring more clearly to view the great merits of our old and well-tried constitution, and to give the people another opportunity to reaffirm their strong and unabated attachment to it.

The convention, after brief discussion, resolved to submit what have commonly been described as three new amendments,

[1] Journal of House of Representatives, June Session, 1851, pp. 31-32.

but, in fact, as comparison of their text shows, to re-submit three of those just rejected. These were the amendments proposing to abolish the religious test for office, to abolish the property qualification for office, and to provide a new mode for amending the constitution. Provision was made for submitting these amendments to the people at the annual town meetings to be held March 9, 1852, at which time the amendment abolishing the property qualification was adopted.

These three amendments with the popular vote thereon are given on pages 207-209.

The manuscript journal of the convention of 1850-51, with a very inadequate index, is in the office of the Secretary of State, but never has been published. The *Patriot* (newspaper) of Concord, which was issued as a daily during the first session (Nov. 6, 1850, to Jan. 3, 1851) of this convention, published a stenographic account of its proceedings, with a full report of the debates.

On April 17, 1851, the convention adjourned *sine die*.

AMENDMENTS TO THE CONSTITUTION,

PROPOSED 1851. SECOND SERIES.

I.

BILL OF RIGHTS.

Art. 6. Strike out the word "Protestant."

PART II.

Art. 14. Strike out the words "shall be of the Protestant religion."

Art. 29. Strike out the words "who is not of the Protestant religion."

Art. 42. Strike out the words "and unless he shall be of the Protestant religion."

II.

PART II.

Art. 14. Strike out the words "shall have an estate within the district which he may be chosen to represent of the value of

one hundred pounds, one-half of which to be a freehold whereof he is seized in his own right."

Art. 29. Strike out the words "and seized of a freehold estate in his own right of the value of two hundred pounds, being within this state."

Art. 42. Strike out the words "and unless he shall at the same time have an estate of the value of five hundred pounds, one-half of which shall consist of a freehold in his own right within this state."

III.

Arts. 99, 100. Strike out these articles, and insert in lieu thereof the following:

"Art. 99. Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall then be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be duly published; and if in the legislature next afterwards to be chosen such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, and the same be recorded on their journals, and the yeas and nays taken thereon as aforesaid, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, and if two-thirds of the qualified voters of this state present and voting thereon at meetings duly called and warned for that purpose shall approve and ratify the same, then such amendment or amendments shall become a part of the constitution; provided that no amendment or amendments shall be submitted to the people oftener than once in ten years, the legislature to fix the first year for such purpose, and the number afterwards to be computed from that; and if more than one amendment be submitted they shall be submitted in such manner and form that the people may vote for or against each amendment proposed to any and every provision of the constitution separately."

VOTE ON THE THREE AMENDMENTS OF 1851 TO CONSTITUTION OF N. H., SUBMITTED BY THE CONVENTION AT ITS SECOND SESSION, WHICH ADJOURNED APRIL 17, 1851.

	First.		Second.		Third.	
	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
Rockingham	1,374	1,846	2,550	807	2,296	886
Strafford	764	852	1,196	505	1,106	524
Belknap	323	1,037	541	517	523	536
Carroll	257	1,101	1,118	261	661	428
Merrimack	1,163	2,455	1,804	1,767	1,236	2,020
Hillsborough	1,457	1,300	1,822	726	1,444	780
Cheshire	1,322	716	1,898	181	1,698	219
Sullivan	1,030	660	1,275	250	911	492
Grafton	1,317	1,758	2,249	704	1,839	924
Coos	559	357	844	81	786	97
Totals	9,566	12,082	15,297	5,799	12,500	6,906

Period from 1852 to 1877. During the next quarter of a century the people voted at seven different times upon the question of calling a convention to revise the constitution, and on three of those occasions a majority of the qualified voters declared themselves in favor of it.

During the ten years 1860-1870 the legislature, in five successive acts providing for taking the sense of the people on calling a constitutional convention, followed the example set by the legislature in 1844, and expressed its own sense that such convention, if called, should limit its action to providing for the alteration of the constitution in certain enumerated particulars. These particulars vary somewhat in the several acts as appears from the following extracts:

The act of July 4, 1860, after affirming that it is expedient that a convention be called to revise the constitution, provided that the said convention, if called, "be limited in its action to the following particulars:

1st. To diminish the number of members of the House of Representatives.
2nd. To increase the number of members of the Senate.
3rd. To make provision for future amendments of the constitution.

Although the vote taken under the foregoing act showed a majority of the qualified voters in favor of calling a convention, the Senate and House of Representatives failed to agree upon a bill for that purpose, and the legislature on July 4, 1861, (the day upon which Congress, pursuant to the call of President Lincoln, met in extra session,) postponed the bill providing for it to the next legislature.

The act of July 9, 1862, provided "that it is the sense of the legislature that such convention to revise the constitution, if the qualified voters of the state elect to call the same as aforesaid, should limit its action to the single duty of making provision for altering the constitution so as to provide for a different method of making future amendments thereof."

The act of Aug. 19, 1864, provided that the said convention if summoned be limited in its action to the following particulars:

1st. To enable the qualified voters of this state engaged in the military or naval service of the country in time of war, insurrection, or rebellion to exercise the right of suffrage while absent from the state.
2d. To abolish all religious tests as qualifications for office.
3d. To diminish the number of members of the House of Representatives.
4th. To increase the number of members of the Senate.
5th. To make provision for future amendments of the constitution.

Notwithstanding the fact that the vote pursuant to the foregoing act showed, as in 1860, a majority in favor of summoning a convention, a joint special committee appointed by the legislature at its June session, 1865, reported that

Agreeably to the provisions of this act the sense of the people of the state was taken, and returns of the votes were duly made to the Secretary of State. It appeared that two hundred and eleven towns voted on this question. These votes were accurately and carefully cast by your committee, with the following result:

It appeared that 18,422 votes were thrown in favor of holding a convention, and 15,348 against it, making a majority in favor of holding a convention of 3,074 votes. Of the votes thus cast it appeared that 1,907 votes were in favor of limiting the action of the convention to the question of amending the constitution so as to allow soldiers to vote when out of the state.

The committee consider their duty completed by reporting these facts to the House and awaiting such orders thereon as the House may direct.

This report having been accepted, the legislature on June 30, 1865, adopted the following resolution:

Resolved that it is inexpedient to provide at this time for calling a convention, and that the subject be referred to the consideration of the next legislature.[1]

The act of July 2, 1868, provided that said convention, if summoned, be limited to the following particulars:

1. To abolish all religious tests as qualifications for office.
2. To diminish the members of the House of Representatives.
3. To increase the number of members of the Senate, so that the whole number shall not exceed forty-one.
4. To make provisions for future amendments of the constitution.

The act of July 9, 1869, provided that the legislature recommend that the action of the convention be limited to the following particulars:

[1] Journals of the Senate and House of Representatives, June session, 1865. pp. 83, 237.

1st. To abolish all religious tests as qualifications for office.

2nd. To diminish the number of members of the House of Representatives.

3rd. To increase the number of members of the Senate so that the whole number shall not exceed thirty-five.

The following table shows the dates of the approval of the several acts of the legislature between 1850 and 1876 providing for taking the sense of the qualified voters on the expediency of calling a convention to revise the constitution, and the aggregate, the affirmative, and the negative votes on the question as returned by the town clerks:

Date of act.	Total.	Yea.	Nay.
1857, June 27	21,271	2,822	18,449
1860, July 4	20,831	11,078	9,753
1862, July 9	13,472	1,044	12,428
1864, August 19	33,770	18,422	15,348
1868, July 2	24,565[1]	12,219	12,346
1869, July 8	.....	No vote on record.	
1875, July 2	39,883	28,971	10,912

Sixth Constitutional Convention, 1876. The delegates elected to this convention assembled in the hall of the House of Representatives in the Capitol at Concord on Wednesday, December 6, 1876, at eleven o'clock in the forenoon.

At the afternoon session the convention elected Daniel Clark of Manchester to be its President, Thomas J. Smith of Dover to be Secretary, and Alpheus W. Baker of Lebanon to be Assistant Secretary. A committee on rules was appointed.

On December 7th Mr. Sargent of Concord, for the committee on rules, reported the following rules which were adopted by the convention:

[1] No record of the votes in 1868 or 1869 has been found in the office of the Secretary of State. The figures given for 1868 are taken from the Concord Daily Monitor for Nov. 19, 1868, where the vote is given by counties.

1. The President shall take the chair at precisely the hour to which the convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. All committees shall be appointed by the President unless otherwise directed by the convention; and the first named member of any committee appointed by the President shall be chairman.

3. No person but the members and officers of the convention shall be admitted within the chamber unless by invitation of the President or some member of the convention.

4. No member shall speak more than twice to the same question without leave of the convention.

5. When any question is under debate no motion shall be received but 1st, to adjourn; 2d, to lie on the table; 3d, to postpone to a day certain; 4th, to commit; 5th, to amend; which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lie on the table shall be decided without debate.

6. Any member may call for a division of the question when the sense will admit of it; but a motion to strike out and insert shall not be divided.

7. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the convention.

8. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

9. Every question shall be decided by yeas and nays whenever a demand for the same shall be made and sustained by at least ten members.

10. The convention may resolve itself into a committee of the whole convention at any time on the motion of a member; and in forming a committee of the whole the President shall leave the chair, and appoint a chairman to preside in committee; and the rules of proceeding in convention and the rule relating to calls for the yeas and nays shall be observed in committee of the whole, except the rule limiting the times of speaking.

11. After the journal has been read and corrected the order of business shall be as follows, viz.: 1st, the presentation of resolutions and petitions; 2d, the reports of committees; 3d, the unfinished business of the preceding day.

Mr. Sargent of Concord, for the committee on rules and methods of procedure, also reported the following resolution, which was adopted:

Resolved that this convention will proceed to revise the present constitution of the state by considering it as in committee of the whole, till gone through with under consecutive and separate heads, and by sending to special and appropriate committees from time to time such amendments as may be adopted by the convention; that there shall be appointed four separate committees by the President, consisting of two members from each county, which shall be committees on the following subjects, viz.:

1. The Bill of Rights, the Executive Department, and the Religious Test.
2. The Legislative Department.
3. The Judicial Department.
4. Future Mode of Amending the Constitution, and Other Miscellaneous Matters.

These committees shall consider the amendments submitted to them by the convention, and put the same in proper form, and recommend such modifications and amendments of the same as they may deem necessary. (J. 1876, pp. 26, 27.)

The President on December 8 appointed the standing committees of the convention, naming their chairmen as follows:

Committee on Bill of Rights, Executive Department, and Religious Test, Samuel M. Wheeler of Dover.

Committee on Legislative Department, Harry Bingham of Littleton.

Committee on Judiciary Department, Jonathan E. Sargent of Concord.

Committee on Future Amendments of the Constitution, and Other Miscellaneous Matters, John S. H. Frink of Greenland.

Some of the other prominent members of the convention were John J. Bell and Gilman Marston of Exeter, Ichabod Goodwin and William H. Y. Hackett of Portsmouth, Frank-

lin McDuffee of Rochester, Thomas J. Whipple of Laconia, John W. Sanborn of Wakefield, John M. Shirley of Andover, James O. Lyford of Canterbury, Ai B. Thompson, Jacob H. Gallinger, John Kimball, William E. Chandler, Joseph Wentworth, Benjamin A. Kimball, and Isaac W. Hammond of Concord, Isaac N. Blodgett and Edward B. S. Sanborn of Franklin, George C. Gilmore, Frederick Smyth, James F. Briggs, and Charles H. Bartlett of Manchester, George A. Ramsdell and Edward Spaulding of Nashua, Silas Hardy and Francis A. Faulkner of Keene, Dexter Richards of Newport, John G. Sinclair of Bethlehem, Henry E. Parker of Hanover, John L. Spring of Lebanon, Samuel B. Page of Haverhill, and Jacob Benton of Lancaster.

This convention was in session only eleven days. It prepared and submitted to the people thirteen amendments to the constitution, and provided that the General Court should fix the time when such of them as might be adopted should take effect. Of these amendments, eleven of which were ratified by the people, the most important was that changing the basis of representation from ratable polls to population. Other important changes were the provision for biennial sessions, the increase of the number of Senators from twelve to twenty-four, the election of sheriffs by popular vote, the abolition of the religious test, and the change in time of holding elections from March to November.

The convention voted to submit its amendments to the people at the annual town meetings on March 13, 1877, in the form of thirteen questions. Governor Cheney, on the 16th of the following April, by public proclamation announced the result of the vote.[1]

The text of the thirteen questions and proposed amendments to the constitution, with the vote thereon, is given on pages 217-221.

[1] See comment upon the results of this convention in message of Gov. B. F. Prescott to the legislature at its June session, 1877. Journals of Senate and House, 1877, p. 171.

After having provided by resolution for its reassembling at the call of the President, should the welfare of the state seem to him to demand it, the convention on Dec. 16, 1876, adjourned *sine die*. By order of this convention the journal of its proceedings was published,

AMENDMENTS TO THE CONSTITUTION.

PROPOSED IN 1876.

Bill of Rights, Art. 6. Strike out the word "Protestant." Rejected.

Part II. Arts. 3, 5, 12, 16, 27, 28, 31, 33, 42, 60, and 66. Strike out the words "every year" and insert the word "biennially."

Part II. Art. 5. Add "Provided that the General Court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds."

Part II. Arts 9, 10, and 11. Strike out these sections, and insert "Art. 9. There shall be in the legislature of the state a representation of the people, biennially elected, and founded upon the principles of equality; and in order that such representation may be as equal as circumstances will admit every town or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one Representative; if eighteen hundred such inhabitants, may elect two Representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for an additional Representative; provided that no town shall be divided, or the boundaries of the wards of any city so altered as to increase the number of Representatives to which such town or city may be entitled by the next preceding census; and provided, further, that to those towns and cities which since the last census have been divided, or had their boundaries or ward lines changed, the General Court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

"Art. 10. Such towns, places, and wards as have less than six hundred inhabitants shall be classed by the general court for the purpose of choosing a Representative, so that every such class shall contain at least six hundred inhabitants, and be seasonably notified thereof; and in every such class the first meeting shall be held in the town, place, or ward wherein most of the inhabitants reside, and afterwards in that which has the

next highest number, and so on, biennially, in rotation through the several towns, places, and wards forming the district.

"Art. 11. Whenever any town, place, or city ward shall have less than six hundred such inhabitants, and be so situated that it cannot conveniently be classed with any other town, place, or ward, the General Court may authorize such town, place, or ward to elect and send to the General Court such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the General Court shall not authorize any town, place, or ward to elect and send such Representatives except as herein provided."

Part II. Arts. 12, 28, 31, 42, and 60. Strike out the word "March" and insert "November."

Part II. Art. 14. Strike out the words "shall be of the Protestant religion."

Part II. Arts. 25, 26. Strike out the word "twelve" and insert the word "twenty-four."

Part II. Art. 29. Strike out the words "who is not of the Protestant religion."

Part II. Art. 37. Strike out the words "seven," "eight," "five," and insert the words "thirteen," "sixteen," "ten."

Part II. Art. 42. Strike out the words "and unless he shall be of the Protestant religion."

Part II. Art. 46. Strike out the words "solicitors, all sheriffs," "registers of probate."

Part II. Art. 73. Strike out the word "President" and insert the word "Governor."

Part II. Art. 73. Add at the end of the article the following words: "but in no case shall such removal be for political reasons." Rejected.

Part II. Art. 77. Strike out the words "four pounds" and insert the words "one hundred dollars." Strike out the words "so that a trial by jury, in the last resort, may be had."

The convention of 1876 submitted to the people the foregoing proposed amendments in the form of the following questions:

1. Do you approve of striking out the word "Protestant" in the bill of rights, as proposed in the amended constitution?

2. Do you approve of so amending the constitution that the General Court shall be authorized to provide for the trial of causes in which the value in controversy does not exceed one hundred dollars, and title to real estate is not concerned, with-

out the intervention of a jury, as proposed by the amended constitution?

3. Do you approve of the biennial election of Governor, Councillors, members of the Senate and House of Representatives, and biennial sessions of the legislature, as proposed in the amended constitution?

4. Do you approve of a House of Representatives based upon population, and constituted and chosen as provided in the amended constitution?

5. Do you approve of a Senate of twenty-four members, to be constituted and chosen as provided in the amended constitution?

6. Do you approve of the election by the people of registers of probate, solicitors, and sheriffs, as provided in the amended constitution?

7. Do you approve of abolishing the religious test as a qualification for office, as proposed in the amended constitution?

8. Do you approve of prohibiting the General Court from authorizing towns or cities to loan or give their money or credit to corporations, as proposed in the amended constitution?

9. Do you approve of changing the time for holding the state election from March to November, as proposed in the amended constitution?

10. Do you approve of authorizing the General Court to provide that appeals from a justice of the peace may be tried by some other court without the intervention of a jury, as proposed in the amended constitution?

11. Do you approve of authorizing the General Court to increase the jurisdiction of justices of the peace to one hundred dollars as proposed in the amended constitution?

12. Do you approve of the proposed amendment prohibiting the removal from office for political reasons?

13. Do you approve of the proposed amendment prohibiting money raised by taxation from being applied to the support of the schools or institutions of any religious sect or denomination as proposed in the amended constitution? (J. 1876, pp. 274-275.)

VOTE ON THIRTEEN AMENDMENTS OF 1876, TO THE CONSTITU

	First.		Second.		Third.		Fourth.		Fifth.		Six
	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.
Rockingham..	4,088	2,524	5,738	947	5,022	1,519	4,707	1,768	4,992	1,609	4,043
Strafford.....	2,698	1,354	3,297	669	3,029	894	2,946	998	3,148	696	2,676
Belknap.....	1,426	992	1,903	454	2,044	343	1,640	745	1,875	480	1,560
Carroll.....	1,216	824	1,337	649	1,481	523	1,472	494	1,508	490	1,276
Merrimack...	4,224	2,495	5,978	814	4,692	1,928	5,167	1,499	5,569	1,110	4,907
Hillsborough.	5,919	2,405	6,478	1,642	6,209	1,971	6,092	2,082	7,103	1,062	5,745
Cheshire.....	2,395	1,194	3,240	365	2,594	883	2,777	750	2,692	804	2,676
Sullivan.....	1,276	1,120	1,767	5:7	1,672	619	1,712	613	1,651	701	1,665
Grafton.....	2,804	2,357	3,822	1,304	3,786	1,302	3,617	1,486	3,629	1,408	3,215
Coos	1,608	642	1,922	331	1,942	313	1,794	463	1,918	330	1,560
Total.....	27,664	15,907	35,482	7,752	32,471	10,295	31,924	10,878	34,085	8,690	29,323

NEW HAMPSHIRE, ON THE SECOND TUESDAY OF MARCH, 1877.

venth.		Eighth.		Ninth.		Tenth.		Eleventh.		Twelfth.		Thirteenth.	
s.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.	Ayes.	Noes.
51	2,301	5,386	1,273	5,434	1,268	5,482	1,103	4,774	1,813	3,594	2,910	5,629	924
10	1,247	3,095	787	3,255	755	3,176	736	3,164	753	2,506	1,437	3,336	553
31	891	1,862	452	2,206	225	1,764	514	1,627	647	1,615	672	1,888	424
18	747	1,493	505	1,583	438	1,302	676	1,336	644	1,180	811	1,504	448
51	2,120	5,419	1,219	5,999	804	5,414	1,150	5,234	1,172	4,606	2,054	5,732	936
14	2,150	6,178	1,951	7,362	958	6,140	1,819	6,604	1,286	5,300	2,790	6,987	1,037
99	1,131	2,792	715	2,747	833	2,992	480	2 875	559	2,547	948	3,021	479
57	963	1,769	569	1,818	557	1,678	621	1,642	674	1,650	678	1,898	419
85	2,110	3,784	1,263	3,941	1,187	3,559	1,440	3,439	1,512	3,299	1,727	3,934	1,049
61	571	1,911	347	1,892	365	1,886	366	1,897	353	1,751	496	1,999	337
77	14,231	33,689	9,081	36,237	7,390	33,892	8,905	32.592	9,413	28 038	14,523	35,838	6,606

Constitution unchanged, 1877-1889. The following table shows the dates of the approval of the several acts of the legislature between 1876 and 1889, providing for taking the sense of the qualified voters on the expediency of calling a convention to revise the constitution, and the aggregate, the affirmative, and the negative votes on the question as returned by the town clerks:

Date of act.	Total.	Yea.	Nay.
1883, July 27	27,156	13,036	14,120
1885, August 13	21,679	11,466	10,213

Seventh Constitutional Convention, 1889. The delegates to this convention assembled in the hall of the House of Representatives in Concord on Wednesday, January 2, 1889, at 11 o'clock A. M.

At the afternoon session Charles H. Bell of Exeter was elected President; and on the following day James R. Jackson of Littleton was elected Secretary, and William Tutherly of Claremont Assistant Secretary of the convention.

The rules of the convention of 1876 were adopted as the rules of this convention till otherwise ordered.

On January 3 Mr. Hadley of Concord, from the committee on rules and method of procedure, submitted the following report, which was adopted by the convention:

1. The President shall take the chair at precisely the hour to which the convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. All committees shall be appointed by the President unless otherwise directed by the convention; and the first named member of any committee appointed by the President shall be chairman.

3. No person but the members and officers of the convention shall be admitted within the chamber unless by invitation of the President or some member of the convention.

4. No member shall speak more than twice to the same question without leave of the convention.

5. When any question is under debate no motion shall be received but 1st, to adjourn; 2d, to lay on the table; 3d, to postpone to a day certain; 4th, to commit; 5th, to amend; which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate. (J. 1889, pp. 18-20.)

6. Any member may call for a division of the question when the sense will admit of it; but a motion to strike out and insert shall not be divided.

7. A motion for commitment, until it is decided, shall precede all amendments to the main question; and all motions and reports may be committed at the pleasure of the convention.

8. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

9. Every question shall be decided by yeas and nays whenever a demand for the same shall be made and sustained by at least ten members.

10. The convention may resolve itself into a committee of the whole convention at any time on the motion of a member; and in forming a committee of the whole the President shall leave the chair and appoint a chairman to preside in committee; and the rules of proceeding in convention shall be observed in committee of the whole, except the rule limiting the times of speaking, and rule 9.

11. After the journal has been read and corrected the order of business shall be as follows: first, the presentation of resolutions and petitions; second, the reports of committees; third, the unfinished business of the preceding day.

Modes of Procedure.

Resolved that the methods of procedure in revising the constitution shall be as follows:

1. All amendments proposed shall be offered in writing, and shall be read by the Secretary for the information of the convention, when, unless rejected or otherwise disposed of, the same shall be referred to an appropriate committee, who shall examine and report the amendments referred to the convention with such recommendations as they may deem advisable. No

proposition for an amendment shall be received after Wednesday of the second week unless by unanimous consent of the convention, or upon the recommendation of the committee.

2. There shall be appointed by the President five separate committees consisting of two members from each county, which shall be committees on the following subjects:

(1.) On bill of rights and executive department.

(2.) On legislative department.

(3.) On judicial department.

(4.) On future mode of amending the constitution, and other proposed amendments.

(5.) On time and mode of submitting to the people the amendments agreed to by the convention.

On January 7 the President appointed the standing committees, naming their chairmen as follows:

On Bill of Rights and Executive Department, Isaac W. Smith of Manchester.

On Legislative Department, James F. Briggs of Manchester.

On Judicial Department, Ellery A. Hibbard of Laconia.

On Future Mode of Amending the Constitution, and other Proposed Amendments, William S. Ladd of Lancaster.

On Time and Mode of Submitting to the People the Amendments Agreed to by the Convention, Charles A. Dole of Lebanon.

Among the other leading members of this body were John D. Lyman of Exeter, Calvin Page of Portsmouth, John W. Sanborn of Wakefield, Joseph B. Walker, Amos Hadley, and Benjamin A. Kimball of Concord, Frank N. Parsons, Isaac N. Blodgett, and Alvah W. Sulloway of Franklin, David Cross, Charles H. Bartlett, George C. Gilmore, and Henry E. Burnham of Manchester, Robert M. Wallace of Milford, George B. French of Nashua, Ira Colby of Claremont, Dexter Richards of Newport, and Edward R. Ruggles of Hanover.

The most important changes in the constitution proposed by this convention were the abolition of the system of classifying towns for the election of a Representative, the change in the time of the meeting of the legislature from June to January, the granting of a fixed salary for the members of the legislature, and the addition of a clause prohibiting the

manufacture, or sale, or keeping for sale of all alcoholic or intoxicating liquors as a beverage.

The convention prepared seven amendments, which were submitted, in the form of questions, to the qualified voters on the second Tuesday of March, 1889. Five of these were ratified and became a part of the constitution of the state. The text of the amendments and questions voted upon, together with the result of the vote, is given on pages 225-228.

This convention by resolution fixed the time when the several proposed amendments to the constitution should take effect, provided any or all of them should be ratified by the people.

The convention, after having provided by resolution for their reassembling at the call of the President or Governor of the state, should such action seem to either of them necessary, adjourned on January 12th *sine die*.

By order of this convention the journal of its proceedings was published.

AMENDMENTS TO THE CONSTITUTION.

PROPOSED IN 1889.

BILL OF RIGHTS.

Art. 6. Strike out this article and insert the following:

"Art 6. As morality and piety will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the DEITY, and of public instruction in morality and religion, therefore, to promote these important purposes the people of this state have a right to empower, and do hereby fully empower the legislature to authorize from time to time the religious societies within this state to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion, and morality.

"The several religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance; and no person of any one particular religious sect or denomination

shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination.

"And every religious sect or denomination demeaning themselves quietly and as good subjects of the state shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law." Rejected.

PART II.

Arts. 3, 25, 32, 33, 42, 43, 60, 66. Strike out the word "June" wherever it occurs in these articles, and insert the word "January" in place thereof.

Arts. 10, 11. Strike out these articles, and insert the following:

"Art. 10. Whenever any town, place, or city ward shall have less than six hundred such inhabitants the General Court shall authorize such town, place, or ward to elect and send to the General Court a Representative such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the General Court shall not authorize any such town, place, or ward to elect and send such Representative except as herein provided."

Art. 15. Strike out this article, and insert the following:

"Art. 15. The presiding officers of both houses of the legislature shall severally receive out of the state treasury, as compensation in full for their services for the term elected, the sum of two hundred and fifty dollars, and all other members thereof, seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage; provided, however, that when a special session shall be called by the Governor such officers and members shall receive for attendance an additional compensation of three dollars per day, for a period not exceeding fifteen days, and the usual mileage."

Art. 34. Strike out all after the word "state," and insert the following:

"All vacancies in the Senate arising by death, removal out of the state, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the Governor, as soon as may be after such vacancies shall happen."

Art. 49. Add to this article the following words:

"Whenever the chair, both of the Governor and President of the Senate, shall become vacant by reason of their death, absence from the state, or otherwise, the Speaker of the House shall during such vacancies have and exercise all the powers and authorities which by this constitution the Governor is

vested with when personally present. But when the Speaker of the House shall exercise the office of Governor, he shall not hold his office in the House."

Add Article 102 as follows:

"Art. 102. The sale, or keeping for sale, or manufacture of alcohol or intoxicating liquor, except cider, or of any compound of which such liquor is a part, to be used as a beverage, is a misdemeanor, and is hereby prohibited." Rejected.

The convention of 1889 submitted to the people its proposed amendments in the form of the following questions:

1. Do you approve of changing the time for the meeting of the legislature from June to January, and of changing the time when the terms of office of the executive and legislative departments shall commence, and the other amendments in conformity therewith, as proposed in the amended constitution?

2. Do you approve of compensating the members of both houses of the legislature by a fixed salary, as proposed in the amended constitution?

3. Do you approve of filling vacancies in the Senate by a new election, as proposed in the amended constitution?

4. Do you approve of having the Speaker of the House act as Governor in case of vacancies in the offices of Governor and President of the Senate, as proposed in the amended constitution?

5. Do you approve of inserting in the constitution an article prohibiting the manufacture, or sale, or keeping for sale of alcoholic or intoxicating liquor as a beverage, as proposed in the amended constitution?

6. Do you approve of amending article 6 of the bill of rights making the same non-sectarian, as proposed in the amended constitution?

7. Do you approve of amending the constitution with reference to representation in classed towns as proposed in the amended constitution?

(J. 1889, pp. 254-255.)

VOTE ON SEVEN AMENDMENTS TO THE CONSTITUION SUBMITTED TO THE PEOPLE ON THE SECOND TUESDAY OF MARCH, 1889.

COUNTIES.	No. 1.		No. 2.		No. 3.		No. 4.		No. 5.		No. 6.		No. 7.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Belknap	2,280	453	2,252	504	1,959	601	2,081	456	1,593	1,568	1,133	1,266	1,466	548
Carroll	2,289	204	2,298	235	2,131	330	2,157	299	1,375	1,234	1,217	1,014	1,831	323
Cheshire	3,584	421	3,572	420	3,258	456	3,389	473	2,023	2,381	2,936	793	3,089	510
Coos	1,818	507	1,799	512	1,691	527	1,737	520	1,317	1,144	1,524	722	1,572	566
Grafton	4,368	1,137	4,338	1,139	3,796	1,302	3,862	1,169	2,745	3,028	2,378	2,649	3,242	1,565
Hillsborough...	8,331	2,123	8,168	2,334	7,667	2,178	7,753	1,965	4,956	7,358	6,912	3,672	6,591	2,294
Merrimack	5,185	2,569	5,357	2,139	4,893	2,271	5,042	2,115	3,769	4,327	4,012	3,226	4,058	2,359
Rockingham...	4,328	2,989	4,204	3,314	3,689	3,384	4,023	3,175	3,301	5,113	2,952	4,188	3,227	3,374
Strafford	4,073	906	3,722	1,279	3,997	778	3,846	955	3,460	3,303	3,236	1,728	3,324	760
Sullivan	2,096	375	2,162	342	1,909	397	1,878	403	1,247	1,520	1,437	791	1,602	547
Totals	38,352	11,654	37,872	12,218	34,990	12,224	35,768	11,530	25,786	30,976	27,737	20,048	30,002	12,846

Constitution unchanged, 1889-1902. The following table shows the dates of the approval of the several acts of the legislature from 1889-1902, providing for taking the sense of the qualified voters on the expediency of calling a convention to revise the constitution, and the aggregate, the affirmative, and the negative votes on the question, as returned by the town clerks:

Date of act.	Total.	Yea.	Nay.
1893, April 1	30,370	13,681	16,689
1895, March 27	33,930	14,099	19,831
1899, March 1	13,858	10,571	3,287

Pursuant to the last mentioned vote the General Court by an act approved March 21, 1901, provided for the election on November 4, 1902, of delegates to a constitutional convention to assemble at Concord on the second day of December following.

Eighth Constitutional Convention, 1902.—The delegates elected to this convention assembled in the hall of the House of Representatives in Concord on Tuesday, December 2, 1902, at eleven o'clock in the forenoon, and were called to order by Hon. Isaac N. Blodgett of Franklin. Col. Henry O. Kent of Lancaster was chosen temporary chairman, and James E. Dodge of Manchester temporary secretary. A committee on credentials was appointed by the chair, who named two from each county.

At the afternoon session Mr. Stephen S. Jewett of Laconia, for the committee on credentials, reported a list of persons found to have been duly elected members of this convention, and the report was accepted and adopted. Frank S. Streeter of Concord was elected President of the convention, Thomas H. Madigan, Jr., of Concord, Secretary, and L. Ashton Thorp of Manchester Assistant Secretary. The President appointed a committee of ten, consisting of one from each

county, on rules and methods of procedure, and named Henry M. Baker of Bow as its chairman.

On December 3 the committee on rules submitted the following report which was accepted and adopted by the convention:

1. The President shall take the chair at precisely the hour to which the convention shall have adjourned, shall immediately call the members to order, and at the commencement of each day's session shall cause the journal of the preceding day to be read. He shall preserve decorum and order, and may speak on points of order in preference to other members, and may substitute any member to perform the duties of the chair, such substitution not to extend beyond an adjournment.

2. A majority of all the members of the convention shall constitute a quorum.

3. All committees shall be appointed by the President, unless otherwise directed by the convention, and the first named member of any committee appointed by the President shall be chairman.

4. No person but the members and officers of the convention shall be admitted within the chamber unless by invitation of the President or order of the convention.

5. No member shall speak more than twice to the same question without leave of the convention.

6. When any question is under debate no motion shall be received but 1st, to adjourn; 2nd, to lay on the table; 3rd, to postpone to a day certain; 4th, to commit; 5th, to amend; which several motions shall take precedence in the order in which they are arranged. Motions to adjourn and lay on the table shall be decided without debate.

7. Any member may call for a division of the question when the sense will admit of it, but a motion to strike out and insert shall not be divided.

8. A motion for commitment, until it is decided, shall precede all amendments to the main question, and all motions and reports may be committed at the pleasure of the convention.

9. No vote shall be reconsidered unless the motion for reconsideration be made by a member who voted with the majority.

10. Every question shall be decided by yeas and nays, whenever a demand for the same shall be made and sustained by at least ten members.

11. The convention may resolve itself into a committee of the whole at any time on the motion of a member, and in form-

ing a committee of the whole the President shall leave the chair and appoint a chairman to preside in committee, and the rules of proceeding in convention shall be observed in committee of the whole, except the rule limiting the times of speaking and the rule relating to calls for the yeas and nays.

12. After the journal has been read and corrected, the order of business shall be as follows: first, the presentation of resolutions and petitions; second, the reports of committees; third, any special order for the hour; fourth, the unfinished business of the preceding day.

13. All motions and resolutions proposing any amendment to the constitution shall be offered in writing, and be read by the Secretary for the information of the convention, when, unless rejected or otherwise disposed of they shall be referred to an appropriate committee, who shall examine and report thereon to the convention with such recommendations as they may deem advisable. No proposition for an amendment shall be received after Tuesday of the second week unless by unanimous consent of the convention, or upon the recommendation of the committee.

14. There shall be appointed by the President five committees, consisting of twenty members each, and each county shall be represented thereon. Said committees shall be on the following subjects, *viz.*:

(1) On bill of rights and executive department.

(2) On legislative department.

(3) On judicial department.

(4) On future mode of amending the constitution and other proposed amendments.

(5) On the time and mode of submitting to the people the amendments agreed to by the convention.

On December 4 the President appointed the standing committees, naming their chairmen as follows:

On bill of rights and executive department, Edgar Aldrich of Littleton.

On legislative department, David Cross of Manchester.

On judicial department, Isaac N. Blodgett of Franklin.

On future mode of amending the constitution and other proposed amendments, Edwin G. Eastman of Exeter.

sider the subject, and enact such legislation, if any, as in their opinion the public good may require. (J. p. 808.) The yeas and nays were ordered on this resolution, and it was adopted by a vote of 221 to 101, resulting in the virtual defeat of the original resolutions. (J. pp. 809-811.)

To change the method of choosing various state and county officers.

Mr. Gilmore of Manchester introduced a resolution providing for the popular election of the Secretary of State, State Treasurer, and Commissary-General. (J. p. 332.) Another resolution, introduced by Mr. Starr of Manchester, provided for the popular election of the Secretary, Treasurer, labor commissioner, and railroad commissioners. (J. p. 243.) Two other resolutions, one by Mr. Sloane of Haverhill, the other by Mr. Fuller of Exeter, (J. pp. 93, 97,) provided for placing upon the judges of the superior court the duty of appointing sheriffs and county solicitors. All of them were adversely reported or indefinitely postponed.

To make permanent the supreme and superior courts as established by law.

A resolution to make permanent these courts as then established by law, and to remove them from the control of the legislature, was introduced by Mr. Niles of Concord, (J. p. 101), and vigorously defended by him (J. pp. 655-658, 666-668), as well as by Mr. Little of Manchester (J. pp. 651-655) and by Mr. Daley of Berlin (J. p. 665). But the opposition by Mr. Baker of Bow (J. p. 601), Mr. Edgerly of Somersworth (J. p. 602), Mr. Briggs of Manchester, Mr. Harriman of Nashua, Mr. Kent of Lancaster, Mr. Hamblett of Nashua, and others was so strong that the resolution, though recommended by the committee on the judiciary (J. p. 601), was rejected by the convention without a division. (J. p. 670.)

To provide for the election of all state, county, municipal, and town officers by a plurality vote.

A resolution to make permanent these courts as then estab- by a plurality vote was presented by Mr. Baker of Bow (J. p.

32), and referred to the committee on the legislative department, which in its report to the convention recommended its adoption. (J. p. 524.) This report was accepted and adopted by a *viva voce* vote. Mr. Briggs of Manchester having called for the yeas and nays, the resolution was laid upon the table, and on the following day was indefinitely postponed by a vote of 141 to 89. (J. p. 678.)

To provide an easier and less expensive method of amending the constitution.

Resolutions relating to this subject were introduced by Mr. Lamprey of Concord, Mr. Baker of Bow, and Mr. Colby of Hanover. That of Mr. Lamprey was limited to the proposal that all future amendments to the constitution should be submitted to the people by the General Court. Those of Mr. Baker (J. pp. 243, 244) and Mr. Colby (J. pp. 333-335) were substantially alike in providing that any amendment to the constitution may be proposed in either house of the legislature, and that when any amendment so initiated shall have been passed by a majority of the members elected to each house in two successive legislatures, it shall be the duty of the legislature to submit it to the qualified electors for their approval. These two resolutions differed in their requirement for the ratification of any such amendment, that of Mr. Baker prescribing a majority of the electors voting thereon and that of Mr. Colby two thirds of the qualified voters present and voting thereon at meetings warned for that purpose.

The committee on future mode of amending the constitution and other proposed amendments reported adversely upon all these resolutions, and, after some discussion, their report was adopted by a vote of 276 to 41. (J. pp. 626-641.)

The ten amendments to the constitution which were approved by this convention and submitted to the qualified voters related to the following subjects:

I. An educational qualification for voting or holding office.

A resolution upon this subject, which was introduced by

Mr. Edgerly of Somersworth (J. p. 75), was referred to the committee on the legislative department. This committee reported upon it favorably, and the convention adopted its report with slight verbal changes, but with little discussion and without a division. (J. pp. 515-516.) This proposed amendment was submitted to the qualified voters in the form of Question One as follows:

Do you approve of requiring every person, in order to be a voter or eligible to office, to be able to read the constitution in the English language and to write; the requirement not to apply to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on January 1, 1904;—as proposed in the amendment to the constitution?

This amendment was ratified by a vote of 28,601 to 8,205 and became a part of the constitution of the state.

II. The examination of captains and subalterns in the militia before appointment.

Mr. Russell of Plymouth, who introduced the resolution upon this subject (J. p. 241), called the attention of the convention to the fact that under the constitution the nominations and recommendations of captains and subalterns in the militia were made by the field officers to the Governor, who had no choice, but must issue their commissions at once. (J. pp. 610-612.) Under the proposed amendment candidates for these offices would be required to establish, to some extent at least, their qualifications for them.

This resolution, referred to the committee on future mode of amending the constitution and other proposed amendments, was reported by it favorably and the convention adopted it. This proposed amendment was submitted to the qualified voters in the form of Question Two, as follows:

Do you approve of the requirement that captains and subalterns in the militia of the state shall, before their nomination and appointment, be examined and found duly qualified by an examining board appointed by the Governor;—as proposed in the amendment to the constitution?

This amendment was ratified by a vote of 23,228 to 7,377, and became a part of the constitution.

III. Method of choosing the Commissary-General.

Mr. Russell of Plymouth introduced a resolution to strike out the word Commissary-General from part two, Article 66, providing for his election by the legislature. (J. p. 242.) He explained that there was no reason why this single member of the Governor's staff should be chosen for him by the legislature, and at times against his will.

This resolution, referred to the committee on future mode of amending the constitution and other proposed amendments, was reported by it favorably, and adopted by the convention. This proposed amendment was submitted to the qualified voters as Question Three, as follows:

Do you approve of striking out the words "the Commissary-General" from the requirement that the Secretary of State and the State Treasurer and the Commissary-General shall be chosen by the legislature;—as proposed in the amendment to the constitution?

It was rejected by a vote of 17,951 to 10,082.

IV. Extension of the taxing power of the legislature.

Resolutions on the general subject of taxation were introduced by Mr. Holman of Hillsborough (J. p. 32), Mr. Norris of Portsmouth (J. p. 249), Mr. Chandler of Concord (J. p. 250), and Mr. Ham of Portsmouth (J. p. 250). All of them were referred to the committee on the legislative department, which reported in a new draft embracing the most important points of all these resolutions. (J. pp. 595, 626.) This report, after discussion and some verbal amendments, was adopted by the convention without a division, and submitted to the qualified voters as Question Four, as follows:

Do you approve of empowering the legislature to impose taxes not only upon polls and estates, but also upon other classes of property, including franchises and property when passing by will or inheritance;—as proposed in the amendment to the constitution?

It was ratified by a vote of 20,917 to 10,306 and became a part of the constitution.

V. Extending the jurisdiction of the police courts.

Mr. Morris of Lisbon introduced a resolution extending the jurisdiction of police courts to all criminal causes in which the punishment is less than imprisonment in the state's prison. (J. p. 95.) This resolution was referred to the committee on the legislative department, and by it recommended to the convention for adoption. Mr. Morris recalled the fact that the legislature had attempted, once in 1867, and again in 1895, to extend the jurisdiction of the police courts, but such legislation had been declared unconstitutional by the supreme courts. (J. pp. 518-520, 675-677.)

The resolution was adopted by the convention without a division, and submitted to the qualified voters as Question Five, as follows:

Do you approve of allowing the legislature to give police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal cases wherein the punishment is less than imprisonment in the state prison;—as proposed in the amendment to the constitution?

It was rejected by a vote of 19,736 to 11,289.

VI. The proposal to strike out the words "evangelical" and "Protestant" from Article 6, bill of rights.

Four times since 1850, in 1851, 1852, 1877, and 1889 the people of New Hampshire had rejected amendments to the bill of rights, proposed by the several conventions with the object of removing any words that might seem to reflect unfavorably upon any religious sect or denomination.

In the convention of 1902 several resolutions were introduced with this end in view, the most important of which were those offered by Mr. Baker of Bow, Mr. Niles of Concord, and Mr. Colby of Hanover. (J. pp. 38, 93, 238.) All of them were referred to the committee on the bill of rights

and executive department, which reported in favor of substituting the word "Christian" for "evangelical" and of striking out the words "towns" and "Protestant" wherever they appear in Article 6, bill of rights. (J. pp. 613 *et seq.*) This report was discussed at length, and attempts were made to strike out the word "Christian," as objectionable to representatives of the Jewish and other eastern religions.

The report was finally adopted without a division, and the proposed amendment was submitted to the qualified voters as Question Six, as follows:

Do you approve of amending the bill of rights by striking out the word "evangelical" before the word "principles," and inserting the word "Christian," and striking out the word "Protestant" before the words "teachers of piety, religion and morality," and striking out the word "towns" in two places where the legislature is empowered to authorize "towns, parishes and religious societies" to support and maintain teachers of religion and morality, and striking out the words "and every denomination of Christians," and inserting the words "all religious sects and denominations" where equal protection of the law is assured;—as proposed in the amendment to the constitution?

It was rejected by a vote of 16,611 to 15,727.

VII. Woman's Suffrage.

This question was brought to the attention of the members of the convention by a petition from the Woman's Suffrage Association of New Hampshire. On December 10 a hearing was given to this association in the hall of the House of Representatives, at which several advocates of woman's suffrage spoke. A resolution was introduced by Mr. Thompson of Warner on December 4 to strike the word "male" from Article 27, part two, of the constitution (J. p. 93), which was subsequently considered at length in committee of the whole. Mr. Aldrich moved the following amendment in the nature of a substitute to that resolution:

"The legislature is authorized to submit to the people the question whether suffrage shall be conferred upon women,

and whenever, upon such submission, two thirds of the legal voters and two thirds of the native born and naturalized women of the state above twenty-one years of age shall have voted in the affirmative upon such question, then any subsequent legislature may confer full suffrage upon women."

Among those who took part in the ensuing discussion were Mr. Aldrich of Littleton, Mr. Thompson of Warner, Mr. Baker of Bow, Mr. Dudley, Mr. Lamprey and Mr. Lyford of Concord, Mr. Pillsbury and Mr. Starr of Manchester, Mr. Emery of Portsmouth, Mr. Leach of Franklin, Mr. Jewett of Laconia, and Mr. Woodbury of Bedford.

The amendment proposed by Mr. Aldrich having been defeated on a *viva voce* vote (J. p. 489-490), the resolution of Mr. Thompson finally was adopted in committee of the whole on December 11, by a vote of 143 ayes to 94 nays. (J. p. 491-494.) A motion to reconsider was defeated on December 18 by a vote of 177 ayes to 186 nays (J. pp. 695-709). This proposed amendment was submitted to the qualified voters in the form of Question Seven, as follows:

Do you approve of striking out the word "male" before the word "inhabitant" in the clause which provides that every male inhabitant twenty-one years of age (with certain exceptions) shall have a right to vote; which clause is supplemented by the existing provision that every such person shall be considered an inhabitant for the purpose of electing and being elected to office;—as proposed in the amendment to the constitution?

It was rejected by a vote of 13,089 to 21,788.

VIII. The regulation of trusts, monopolies, and combinations in restraint of trade.

Several resolutions giving the legislature power to restrain so-called trusts were introduced, the most important by Mr. Chandler of Concord (J. p. 37, 239), and by Mr. Starr of Manchester (J. p. 242). The former explained that, while he thought the legislature had the necessary power to restrain trusts, he thought it the duty of the convention, as coming

directly from the people, to require the legislature to take such action. (J. pp. 494-498.) Mr. Aldrich of Littleton, in an extended speech in the committee of the whole (J. pp. 554-581), advocated the adoption of stringent measures for the regulation of all such combinations.

After further discussion all the resolutions concerning trusts, on motion of Mr. Chandler of Concord, were referred to the committee on bill of rights and executive department, with instructions to report to the convention a declaration upon that subject (J. p. 587-588). That committee subsequently reported as instructed in the form of a proposed amendment to the constitution.

The convention passed this amendment by a vote of 313 to 2, and submitted it to the qualified voters as Question Eight, as follows: (J. p. 717.)

Do you approve of granting to the General Court all just powers possessed by the state to enact laws to prevent the operations within the state of all persons and associations, trusts and corporations who endeavor to raise the price of any article of commerce, or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means;—as proposed in the amendment to the constitution?

It was ratified by a vote of 23,732 to 8,659 and became a part of the constitution.

IX. Changing the basis of representation.

The question of representation was given far more consideration by the members of this convention than any other subject, as is shown by the fact that its discussion in committee of the whole occupies three hundred pages of the printed journal. More than twenty different resolutions were introduced, nearly all of them providing for some limit to the number of members of the House of Representatives, which, though representing only about 411,000 people, had become, with one or two exceptions, the largest legislative body in the world. At that time it had 397 members, 245 more than

Maine, 152 more than Vermont, 158 more than Massachusetts, 352 more than Rhode Island, 142 more than Connecticut, 142 more than Pennsylvania, and 40 more than the Federal House of Representatives.

As in some of the more recent conventions, it was largely a contest between those favoring a district system and those favoring the present town system. Although the district plan was most ably presented by Mr. Lyford of Concord, and supported by Mr. Chandler and Mr. Lamprey of Concord, Mr. Cross and Mr. Jones of Manchester, Mr. Busiel of Laconia, and others, it soon became apparent that there was an overwhelming sentiment in the convention in favor of the existing town system. The committee of the whole divided 135 in favor of the district system and 245 in favor of the town system (J. p. 447). Another plan, introduced by Mr. Woodbury of Woodstock provided for a change from population to legal voters as a basis of representation, but this proposal received but little support. (J. pp. 33-34, 103-105.)

Mr. Lyford of Concord on December 3 introduced the following resolution:

Resolved that the constitution be so amended that the House of Representatives shall consist of three hundred members, which shall be apportioned by the legislature, at the first session after a United States census, to the several counties of the state equally, as nearly as may be, according to their population as ascertained at the next preceding United States census. The county commissioners in each county,—or, in lieu of the county commissioners in each county, such board of special commissioners in each county, to be elected by the people of the county, as may for that purpose be provided by law,—shall, on the first Tuesday of June next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the Representatives assigned to each county equally, as nearly as may be, according to the relative population in the several districts of each county; and such districts shall be so formed that no town or ward shall be divided therefor. Districts may be formed for one or more Representatives as the contiguity of territory or the physical and social rela-

tions of the towns or wards may warrant. The legislature at the next session after such division of the counties into representative districts may, upon appeal by a town or ward, examine the classification of that town or ward, and change the district lines of that county in accordance with the provisions of this article if it shall appear that injustice has been done.

In his argument on the following day in committee of the whole, Mr. Lyford brought out clearly the inequalities of the town system. (J. pp. 106-126.)

On December 3 Mr. Barton of Newport presented the following resolution, which was constantly referred to in the convention as the "Barton" plan:

Resolved that Part Second, Article 9, of the constitution, be amended by striking out the words "eighteen hundred" in the eighth line of said article, and inserting in place thereof the words "twenty-six hundred," and by striking out the words "twelve hundred" in the tenth line of said section, and inserting in place thereof the words "two thousand," so that said section as amended shall read:

"ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States or of this state, may elect one Representative; if twenty-six hundred such inhabitants, may elect two Representatives; and so proceeding in that proportion, making two thousand such inhabitants the mean increasing number for any additional Representative; *provided* that no town shall be divided, or the boundaries of the wards of any city so altered as to increase the number of Representatives to which such town or city may be entitled by the next preceding census; *and provided, further*, that to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the General Court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made."

Mr. Barton defended his plan on the following day in committee of the whole. It will be noticed that this resolution proposed to retain the old basis of 600 inhabitants for the first Representative, but to raise the number for the second and each additional Representative from 1,200 to 2,000. Upon this basis the number of Representatives under the census of 1900 would have been 318. (J. pp. 126-129.)

Other plans presented by Mr. Scott of Peterborough, Mr. Thompson of Warner, and others, while retaining the number 600 for the first Representative, made various proposals respecting the number that should be required for each additional Representative.

It soon became apparent that, while the members from the large towns and cities were willing to retain the ratio of inequality established by the original constitution of 1784, they were fully resolved not to increase it. But as it appeared that on a basis of 600 inhabitants there were 69 towns not entitled to representation all the time, and that an increase of this base to 800 would add 42 more to the list, making 111 in all, a strong opposition to any change of the first number developed.

Mr. Mitchell of Concord on December 8 introduced the following resolution:

Resolved **that Articles 9 and 10 of Part Second of the constitution be amended, as follows: (1) Limit the representation of the people in the House of Representatives to three hundred and one. (2) In the apportionment of this number among towns and wards, adhere to the existing proportion between the number of inhabitants requisite for one, or the first, and the number required for the second, or any additional Representative, that is, the number of inhabitants required for a second, or any additional Representative, shall be three times the number required for one, or the first Representative, so that the mean increasing number for any additional Representative shall be twice the number required for one Representative. (3) Towns and wards having four hundred inhabitants or more, but less than the number required for one, shall be authorized to elect a Representative such proportionate part of the time as the number of its inhabitants shall bear to the number required**

for one Representative. (4) Contiguous towns, or towns and wards, having, respectively, less than four hundred inhabitants. but whose inhabitants in the aggregate equal or exceed the number necessary for one Representative, may, if each so decides by major vote, in meetings called for that purpose, be authorized to unite for the purpose of electing a Representative; and the votes of such united towns or wards shall be cast, returned, counted and declared as votes for Senators are now cast, returned, counted and declared; and such towns as are not contiguous, or do not thus vote, shall be allotted representation a proportionate part of the time, as the number of their inhabitants, respectively, bears to the number required for one Representative. (5) Following each general census of the United States, should the increase of population in the different towns and wards be so disproportionate as to require a reapportionment of the three hundred and one members, in order to preserve the proportion and ratio here established, the legislature shall make such reapportionment of Representatives; but the same must be done by a strict adherence to the basis, proportion, and ratio here recognized.

This plan had two features which the convention seemed to approve. First, it fixed the number of Representatives at about 300; and, second, it retained the ratio of inequality first adopted by the "fathers" in 1784. But it was open to the objection that the number required for the first representative would be about 800, and that this number must increase with the growth of the population of the state.

The debate on these various proposals was protracted, and shared in by a large number of delegates from all parts of the state.

On December 11 the committee of the whole voted to recommend to the convention the town system, with 600 inhabitants for the first Representative, and such a number for the second and each additional Representative as would provide a House of Representatives of not less than 280 members nor more than 300 members. This recommendation was referred to the committee on the legislative department. (J. pp. 447-458.)

This committee on December 17 made a report to the convention, recommending an amendment to the constitution

making 800 inhabitants necessary for the first Representative, and 1,600 the necessary number for each additional Representative. Twelve of the twenty members of the committee signed this report. (J. pp. 641-646.)

The minority of the committee reported in favor of 600 and 1,800 respectively. (J. pp. 646-650.)

By a vote of 177 to 199 a motion to substitute the minority report for that of the majority was lost, and the majority report was adopted. (J. p. 746.)

This proposed amendment was submitted to the qualified voters as Question Nine as follows:

Do you approve of amending the provision as to representation in the House of Representatives by making 800 inhabitants necessary to the election of one Representative, and 2,400 inhabitants necessary for two Representatives, and 1,600 necessary for each additional Representative; with the proviso that a town, ward, or place having less than 800 inhabitants may send a Representative a proportionate part of the time; or that such towns, wards, and places, when contiguous, may unite to elect a Representative if each town so decides by major vote;—as proposed in the amendment to the constitution?

It was rejected by a vote of 20,295 to 13,069.

So much time had been consumed in the discussion of representation in the house that, when the committee on the legislative department reported adversely all resolutions to amend the articles of the constitution relating to the Senate, the convention adopted the report without debate.

X. To provide for voting precincts.

A resolution was introduced by Mr. Baker of Bow to give the legislature authority to establish more than one place of public meeting in each town or ward for the purpose of casting votes. (J. p. 33.)

This proposed amendment met with almost no opposition in the convention, and was submitted to the qualified voters as Question Ten, as follows:

Do you approve of giving the legislature authority to establish more than one place of public meeting within the limits of each town or ward in the state for the casting of votes and the election of officers under the constitution, and for that purpose to divide any town or ward into voting precincts;—as proposed in the amendment to the constitution?

It was rejected by a vote of 16,747 to 13,391.

The text of the amendments voted upon, together with the result of the vote, is given on pages 247-254.

On December 19 the convention resolved "that such of the proposed amendments as shall be approved by the requisite number of votes shall take effect and be in force at the times hereinafter mentioned, to wit: the amendment relative to representation in the House of Representatives at the date when the legislature in session at its adoption, or next in session thereafter, shall adjourn, and the other amendments when their adoption is proclaimed by the Governor."

The convention, after having provided by resolution for its reassembling at the call of its President, or in case of his death, of the Governor of the state, should he deem it necessary, on December 19 adjourned *sine die*. The journal of its proceedings was published by order of the convention.

AMENDMENTS TO THE CONSTITUTION PROPOSED IN 1902.

AMENDMENT No. 1.

Add at the end of article eleven of the bill of rights the following:

But no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write; *provided, however*, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on the first day of January, A. D. 1904.

AMENDMENT No. 2.

Amend article 47, part second, of the constitution by adding to it the words "Provided that no person shall be so nominated

and recommended until he shall have been examined and found duly qualified by an examining board appointed by the governor"; so that the said article 47 shall read as follows;

ART. 47. The captains and subalterns in the respective regiments shall be nominated and recommended by the field officers to the Governor, who is to issue their commissions immediately on receipt of such recommendation; *provided* that no person shall be so nominated and recommended until he shall have been examined and found duly qualified by an examining board appointed by the Governor.

AMENDMENT No. 3.

Amend article 66, part second, of the constitution by striking out the words "and Commissary-General" and inserting the words "and the" between the word "Secretary" and the word "Treasurer," so that the said article 66 shall read as follows:

ART. 66. The Secretary and the Treasurer shall be chosen by joint ballot of the Senators and Representatives, assembled in one room. Rejected.

AMENDMENT No. 4.

Amend article 6, part second, of the constitution so that it shall read:

ART. 6. The public charges of government, or any part thereof, may be raised by taxation upon polls, estates, and other classes of property, including franchises and property when passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the General Court shall order.

AMENDMENT No. 5.

Amend article 76, part second, of the constitution by the addition of the following words:

And the General Court are further empowered to give to police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal causes wherein the punishment is less than imprisonment in the state prison; so that when amended said section shall read:

ART. 76. The General Court are empowered to give to justices of the peace jurisdiction in civil causes when the damages demanded shall not exceed one hundred dollars, and title of real estate is not concerned, but with right of appeal to either party to some other court. And the General Court are further em-

powered to give to police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal causes wherein the punishment is less than imprisonment in state prison. Rejected.

AMENDMENT No. 6.

Amend article 6 of the bill of rights by striking therefrom the word "evangelical," and inserting the word "Christian" in place thereof, and by striking out the word "towns" from said section wherever it appears, and by striking out the word "Protestant;" also by striking out the words "And every denomination of Christians" from the third clause of said article 6, and inserting the words "All religious sects and denominations" in place thereof, so that the same as amended shall read:

ART. 6. As morality and piety, rightly grounded on Christian principles, will give the best and greatest security to government, and will lay in the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the DEITY, and of public instruction in morality and religion; therefore, to promote those important purposes the people of this state have a right to empower, and do hereby fully empower the legislature to authorize, from time to time, the several parishes, bodies corporate, or religious societies within this state to make adequate provision, at their own expense, for the support and maintenance of public teachers of piety, religion, and morality. *Provided, notwithstanding,* that the several parishes, bodies corporate, or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay toward the support of the teacher or teachers of another persuasion, sect, or denomination. All religious sects and denominations, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law. And nothing herein shall be understood to affect any former contracts made for the support of the ministry, but all such contracts shall remain and be in the same state as if this constitution had not been made. Rejected.

AMENDMENT No. 7.

The word "male" is hereby stricken out of article 27, part second, of the constitution. Rejected.

AMENDMENT No. 8.

Article 82 of the constitution is amended by adding the following:

Free and fair competition in the trades and industries is an inherent and essential right of the people, and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization, and provision should be made for the supervision and government thereof:

Therefore, all just power possessed by the state is hereby granted to the General Court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce, or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

AMENDMENT No. 9.

Amend articles 9 and 10 of part second of the constitution by striking out the word "six," and inserting instead thereof the word "eight"; and by striking out the word "eighteen," and inserting instead thereof the word "twenty-four"; and by striking out the word "twelve," and inserting instead thereof the word "sixteen"; and by adding to section 10 the following: "*Provided* that the legislature may authorize contiguous towns, or contiguous towns and wards, having, respectively, less than eight hundred inhabitants, but whose inhabitants in the aggregate equal or exceed eight hundred, to unite for the purpose of electing a Representative, if each town so decides by major vote at a meeting called for the purpose; and the votes of towns thus united shall be cast, counted, returned, and declared as the votes for Senators are cast, counted, returned, and declared; and the Governor shall, fourteen days before the first Wednesday of each biennial session of the legislature, issue his summons to such persons as appear to be chosen Representatives, by a plurality of votes, to attend and take their seats on that day;" so that said sections, as amended, shall read as follows:

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon

principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities, having eight hundred inhabitants by the last general census of the state taken by authority of the United States or of this state, may elect one Representative; if twenty-four hundred such inhabitants, may elect two Representatives; and so proceeding in that proportion, making sixteen hundred such inhabitants the mean increasing number for any additional Representative: *provided* that no town shall be divided, or the boundaries of the wards of any city so altered, as to increase the number of Representatives to which such town or city may be entitled by the next preceding census; *and provided, further*, that, to those towns and cities which, since the last census, have been divided or had their boundaries or ward lines changed, the General Court in session next before these amendments shall take effect shall equitably apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.

ART. 10. Whenever any town, place, or city ward shall have less than eight hundred such inhabitants, the General Court shall authorize such town, place, or ward to elect and send to the General Court a Representative such proportionate part of the time in each period of ten years as the number of its inhabitants shall bear to eight hundred; but the General Court shall not authorize any such town, place, or ward to elect and send such Representative except as herein provided; *provided* that the legislature may authorize contiguous towns, or contiguous towns and wards, having, respectively, less than eight hundred inhabitants, but whose inhabitants in the aggregate equal or exceed eight hundred, to unite for the purpose of electing a Representative, if each town so decides by major vote at a meeting called for the purpose; and the votes of towns thus united shall be cast, counted, returned, and declared as the votes for Senators are cast, counted, returned, and declared; and the Governor shall, fourteen days before the first Wednesday of each biennial session of the legislature, issue his summons to such persons as appear to be chosen Representatives, by a plurality of votes, to attend and take their seats on that day. Rejected.

AMENDMENT NO. 10.

Add to the constitution the following:

The legislature shall have full power and authority to establish more than one place of public meeting within the limits of any

town or ward in the state for the casting, counting, declaring, and returning of votes, and the election of officers under the constitution; to prescribe the manner of warning, holding, and conducting such meetings; and for that purpose to divide any town or ward into voting precincts. Rejected.

The convention, by resolution adopted December 19, 1902, submitted to the qualified voters of the state the foregoing proposed amendments in the form of the following questions:

1. Do you approve of requiring every person, in order to be a voter or eligible to office, to be able to read the constitution in the English language and to write; the requirement not to apply to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on January 1, 1904;—as proposed in the amendment to the constitution?

2. Do you approve of the requirement that captains and subalterns in the militia of the state shall, before their nomination and appointment, be examined and found duly qualified by an examining board appointed by the Governor;—as proposed in the amendment to the constitution?

3. Do you approve of striking out the words "the Commissary-General" from the requirement that the Secretary of State and the State Treasurer, and the Commissary-General shall be chosen by the legislature;—as proposed in the amendment to the constitution?

4. Do you approve of empowering the legislature to impose taxes not only upon polls and estates, but also upon other classes of property, including franchises, and property when passing by will or inheritance;—as proposed in the amendment to the constitution?

5. Do you approve of allowing the legislature to give police courts jurisdiction to try and determine, subject to the respondent's right of appeal and trial by jury, criminal cases wherein the punishment is less than imprisonment in the state prison;—as proposed in the amendment to the constitution?

6. Do you approve of amending the bill of rights by striking out the word "evangelical" before the word "principles," and inserting the word "Christian"; and striking out the word "Protestant" before the words "teachers of piety, religion and morality"; and striking out the word "towns" in two places where the legislature is empowered to authorize "towns, parishes and religious societies" to support and maintain teachers of religion and morality; and striking out the words "and every denomination of Christians," and inserting the words "all religious sects

and denominations," where equal protection of the law is assured;—as proposed in the amendment to the constitution?

7. Do you approve of striking out the word "male" before the word "inhabitant" in the clause which provides that every male inhabitant twenty-one years of age (with certain exceptions) shall have a right to vote; which clause is supplemented by the existing provision that every such person shall be considered an inhabitant for the purpose of electing and being elected to office;—as proposed in the amendment to the constitution?

8. Do you approve of granting to the General Court all just powers possessed by the state to enact laws to prevent the operations within the state of all persons and associations, trusts and corporations, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means;—as proposed in the amendment to the constitution?

9. Do you approve of amending the provision as to representation in the House of Representatives by making 800 inhabitants necessary to the election of one Representative, and 2,400 inhabitants necessary for two Representatives, and 1,600 necessary for each additional Representative, with the proviso that a town, ward, or place having less than 800 inhabitants may send a Representative a proportionate part of the time; or that such towns, wards, and places, when contiguous, may unite to elect a Representative if each town so decides by major vote;—as proposed in the amendment to the constitution?

10. Do you approve of giving the legislature authority to establish more than one place of public meeting within the limits of each town or ward in the state for the casting of votes and the election of officers under the constitution, and for that purpose to divide any town or ward into voting precincts;—as proposed in the amendment to the constitution?

VOTE ON TEN AMENDMENTS TO THE CONSTITUTION PROPOSED BY THE CONVENTION OF 1902 AND SUBMITTED TO THE QUALIFIED VOTERS ON THE SECOND TUESDAY OF MARCH, 1903.

COUNTIES.	Ques. 1.		Ques. 2.		Ques. 3.		Ques. 4.		Ques. 5.		Ques. 6.		Ques. 7.		Ques. 8.		Ques. 9.		Ques. 10.	
	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.	Yes.	No.
Rockingham	3,392	681	2,427	838	1,840	1,109	2,219	1,193	2,034	1,298	1,420	2,083	1,538	2,270	2,572	969	2,067	1,595	1,771	1 429
Strafford	2,309	1,202	1,821	1 027	1,402	1 240	1,719	1,184	1,718	1,177	1,731	1,441	1,114	2,277	2,199	797	1,640	1,473	1,519	1,2?5
Belknap	1.713	290	1,293	271	978	420	1.222	413	1,118	455	878	835	821	1.037	1,381	299	1.209	557	938	601
Carroll	1,504	318	1,012	445	687	568	1,003	512	865	550	646	827	720	1,063	1,191	453	852	895	714	774
Merrimack	4,909	1,097	3,993	1,189	3.200	1,623	3,530	1,677	3 467	1,712	2.598	2,785	2,256	3.515	4,10?	1,254	3,770	1,855	2,733	2,403
Hillsborough	6,221	2,746	5,852	1.814	4 584	2,511	5,002	2,684	4,570	3,315	4,642	3,553	2,637	5,931	5,280	2,739	4,652	3,420	4,290	3 178
Cheshire	2,080	265	1,679	297	1,254	474	1,423	559	1,468	?08	1,092	875	932	1,268	1,645	469	1,555	591	1,190	784
Sullivan	1,598	442	1,287	363	960	561	1,121	576	1,021	605	801	853	799	1,070	1,250	477	1,103	699	931	701
Grafton	3,119	687	2,418	758	1,943	1,025	2,313	1,014	2,253	1,024	1,670	1.618	1,468	2,121	2,589	825	2,084	1,400	1,670	1,462
Coos	1,756	477	1,416	375	1,103	551	1,365	494	1,222	645	1,133	857	804	1,236	1,517	377	1,303	584	991	774
Totals	28,601	8,205	23,228	7,377	17,951	10,082	20,917	10,306	19,736	11,289	16,611	15,727	13,089	21,788	23,732	8,659	20,295	13,069	16,747	13,391

PROCLAMATION.

STATE OF NEW HAMPSHIRE.

EXECUTIVE DEPARTMENT,

CONCORD, March 26, 1903.

Be it known, that I, Nahum J. Bachelder, Governor of the state of New Hampshire, in obedience to the request of the constitutional convention of said state holden in December, 1902, do hereby proclaim to the people of this state that the constitution of the state is amended as provided for in the first, second, fourth, and eighth propositions or questions submitted by said constitutional convention to the qualified voters of the state at meetings held in the several towns, city wards, and places in this state on the second Tuesday of March, 1903.

All the alterations and amendments in said constitution covered by said several propositions or questions have been adopted, and the constitution is thus amended by the suffrages of more than two thirds of the legal voters present at said meetings, and voting upon said questions.

I further proclaim to the people of this state that the constitution of the state is not amended as provided for in the third, fifth, sixth, seventh, ninth, and tenth propositions or questions submitted by said convention to the qualified voters of the state at meetings held in the several towns, city wards, and places in this state on the second Tuesday of March, 1903, as neither of these last-mentioned propositions or questions, nor the amendments in the constitution covered by the same, were adopted by the suffrages of two thirds of the legal

voters present at said meetings, and voting upon said questions.

Given under my hand and the seal of said state at the Council chamber this twenty-sixth day [SEAL.] of March, A. D. 1903, and of the independence of the United States of America the one hundred and twenty-seventh.

NAHUM J. BACHELDER.

By the Governor,
EDWARD N. PEARSON, Secretary of State.

Constitution unchanged since 1902.—By act approved March 10, 1909, the legislature provided for taking the sense of the people on calling a convention to revise the constitution at the biennial election on the Tuesday following the first Monday in November, 1910. A majority of the qualified voters at that election favoring the summoning of such a convention, the legislature, by act approved April 15, 1911, provided for the election of delegates thereto on the second Tuesday of March, 1912, and its assembling at Concord on the first Wednesday of June.

These acts of the legislature, and the vote in the several towns, wards, and unincorporated places of the state upon calling a convention are printed in the appendix.

THE BASIS OF REPRESENTATION IN NEW HAMPSHIRE PREVIOUS TO THE ADOPTION OF THE CONSTITUTION OF 1784.

The people of New Hampshire first appear as participants in a representative legislative body in 1641, when, in response to an order from the General Court of the colony of Massachusetts, the town of Hampton sent one deputy to the General Court at Boston. Strawberry Bank, or Portsmouth, was admitted to a similar privilege in 1642, and Dover in 1643. From this time until 1679, when the jurisdiction of Massachusetts over New Hampshire terminated, each of these towns was represented, sometimes by one deputy and sometimes by two, in the General Court of Massachusetts.

September 18, 1679, New Hampshire entered upon a separate political existence by the commission of its first independent chief magistrate, John Cutt, a merchant of Portsmouth, as President. With him were associated nine Councillors. This commission provided that within three months after taking oath of office the President and Council should ". . . issue forth Sum'ons under Seal by Us appointed to be used in the nature of writs for the calling of a Generall Assembly of the said Prov: using & observing there such rules and methods (as to the persons who are to Chuse their deputies, & the time and place of meeting) as they shall judg most convenient." An examination of such commissions of later Governors as have been published does not reveal any essential modification of these directions for convening a General Assembly.

In pursuance of the foregoing instructions the first Assembly was convened at Portsmouth March 16, 1680. It consisted of eleven members, three each from Portsmouth, Dover, and Hampton, and two from Exeter. The aforesaid towns at

this time had respectively 71, 61, 57, and 20 inhabitants qualified to vote, so that the original basis of representation was about one member to twenty voters.

This first Assembly passed the following act, which was approved by the Governor and Council:

"It is enacted by this assembly and the authoritv thereof, y^{t} y^{e} severall constables in each town of y^{e} province doe warne and call together the free men of theire respective townes, on y^{e} first Monday in february, annually, and from among themselves to make their election of Deputies for y^{e} Gen^{ll} Assembly, who are to meet at Portsm^{o} on y^{e} first Tuesday of March, by 10 of y^{e} Clock in y^{e} forenoon, and y^{e} number of Deputies for each towne to be as followeth, viz^{t}: 3 for y^{e} towne of Ports^{o}, 3 for y^{e} towne of Hampton, 3 for y^{e} towne of Dover, and 2 for y^{e} towne of Exeter, whose names, after their election and acceptance, y^{e} severall Consa^{s} shall make return of to y^{e} Assembly, as above under their hands . . ."

This Assembly at the same time defined "freemen" by the following act:

"It is ordered by this Assembly and the authority thereof, y^{t} all Englishmen, being Protestants, y^{t} are settled Inhabitants and freeholders in any towne of this Province, of y^{e} age of 24 years, not viceous in life but of honest and good conversation, and such as have 20^{l} Rateable estate wthout heads of persons having also taken the oath of allegiance to his Maj^{s}, and no others shall be admitted to y^{e} liberty of being freemen of this Province, and to give theire votes for the choice of Deputies for the Generall Assembly, Constables, Selectmen, Jurors and other officers and concernes in y^{e} townes where they dwell; provided this order give no liberty to any ꝑson or ꝑsons to vote in the dispossion or distribution of any lands, timber or other properties in y^{e} Towne, but such as have reall right thereto; and if any difference arise about s^{d} right of voting, it shall be judged and determined by y^{e} Presid^{t} and Councill wth the Gen^{ll} Assembly of this Province."

On the fourteenth of November, 1682, these qualifications were so modified

"That all persons, setled inhabitants & freeholders in any Town of this Province of Twenty one years, and no other,

Shall have liberty of giving their votes for the choice of Assemblymen, Jurors, Trustees or Overseers for the respective Towns, Constables, or other necessary Town officers, or in any Town concerns. Nor shall any be chosen Assemblymen, Jurors, or Trustees &c. for the Towns, but such. And further, No person shall be deemed a freeholder, but such as hath a ratable estate of 15[1] according to valuation as stated by law."

The foregoing enactment remained in force nearly seventeen years, when, on the seventh of August, 1699, the qualifications were again revised in the following manner:

"And be it further enacted by the authority afore said, That no person Inhabiting within this Province, other than Freeholders of the value or income of Forty Shillings per Annum, or upwards in Land, or worth Fifty Pounds Sterling at the least, in personal Estate, shall have any vote in the Election of Representatives, or be capable of being elected, to Serve in the General Assembly; and the Tryal of such Qualifications as aforesaid shall be by the last Lists of Rates and assessments, which the Selectmen of each respective Town are hereby required to bring with them for that end, upon all days, and times appointed for such Elections."

From the passage of the act of 1680, which assigned representation to the four original towns, until 1698, no list has been found which gives the Representatives, together with their respective towns; but it appears from the Journals of the Council and Assembly that as early as 1693 the Assembly had increased from eleven to thirteen, one member having been returned from the "Isle of Shols." The other probably appeared for Newcastle, or Great Island. In 1698, however, it is certain that, in addition to the eleven Representatives from the four original towns, Newcastle returned two.

From this time forward the growth of the Assembly is most clearly indicated by the following table compiled from the Province Papers, dates after 1698 indicating when towns are definitely known first to have sent Representatives:

1698.	Hampton	3	Representatives.
	Dover	3	"
	Portsmouth	3	"
	Exeter	2	"
	Newcastle	2	"
1715.	Kingston	1	Representative.
	Newington	1	"
1716.	Stratham	1	"
1727.	Londonderry	1	"
1732.	Greenland	1	"
	Durham	1	"
1739.	Newmarket	1	"
1752.	South Hampton	1	"
	Plaistow and Hampstead	1	"
	Salem and Pelham	1	"
	Dunstable and Merrimack	1	"
1756.	Chester	1	"
1762.	Somersworth	1	"
	Nottingham West and Litchfield	1	"
	Amherst and Bedford	1	"
	Kensington	1	"
	Barrington	1	"
	Rochester	1	"
1768.	Keene	1	"
	Winchester	1	"
	Charlestown	1	"

Several minor changes in representation which do not lend themselves readily to tabulation should also be noted. In 1762 Dunstable and Merrimack, which formerly had been grouped together with one Representative, were separated and regrouped, Dunstable with Hollis, and Merrimack with Monson. Each of these new groups was allowed one Representative, which added one to the total. In 1722 Hampton Falls, which was set off from Hampton in 1712, was assigned one member, and the latter town, which previously had sent three, was reduced to two. A similar readjustment occurred again in 1727, when Rye, which was incorporated in 1726, was allowed a Representative, and Newcastle, from which it was taken, was reduced from two to one. These two last mentioned changes did not affect the total representation, nor did the grouping of Atkinson with Plaistow and Hampstead

in 1770. Dover returned only one Representative for each triennial term of the Assembly from 1755 until 1762, but sent two in the latter year, and thereafter until the first Provincial Congress.

In 1727 the term of service of Representatives was limited to three years. Previous to that date the term had been indefinite, and Assemblies continued in existence until dissolved by the Governor, when a new election was ordered.

A list of ratable polls prepared for the General Assembly in 1768 shows that, in the case of the four original towns represented, while the proportion of polls to population had greatly increased, the apportionment had become extremely irregular. Portsmouth had increased from 71 polls in 1679 to 910 in 1768; Dover, from 61 to 384; Hampton, from 57 to 199; and Exeter, from 20 to 390. But each of these towns, during the entire period from 1680 to the first Provincial Congress in 1774, was represented by the same number of deputies provided by the act of 1680, except Dover during the period 1755-1774, as previously described.

During the period from 1698 to 1774, however, it is to be noticed that each town or group of towns, when admitted to representation, whatever its population, was allowed only one deputy, and was given no more till the end of the period.

The last session of the provincial General Assembly, whose basis of representation from its beginning in 1680 has now been traced, was adjourned by Gov. John Wentworth July 15, 1775, by message from Fort William and Mary, whither he had withdrawn at the opening of the revolutionary conflict. For some time, however, the necessity of some stable form of government during the impending struggle had been clearly foreseen, and, in spite of Governor Wentworth's protests of illegality, the Assembly, as early as the 28th of May, 1774, had taken measures through a committee to provide for a representative governing body.

As an immediate result of this action, on July 6, 1774, a call was issued to the "several towns and parishes" to send deputies to Exeter upon the 21st of July; and in accordance

with this call eighty-five delegates appeared on the appointed day. The journals of this body, known as the First Provincial Congress, were not preserved, but an account of the proceedings was published in the New Hampshire Gazette of July 29, 1774. The membership, as far as it is known, has been compiled from town records. Portsmouth sent seven, Dover and Exeter each five, Hampton four, Kingston three, Chester, Durham, East Kingston, Epping, Greenland, Lee, Rye, Somersworth and Stratham each two, and twenty-two other towns are known to have sent one each. Of the remaining twenty-one members no record can be found.

A Second Provincial Congress met at Exeter January 25, 1775, with 144 delegates in attendance, though from town records a list of only 121 can be compiled.

A Third Provincial Congress met April 21, 1775, in the same town, with a membership of 109. According to the journal of this Congress the number of Representatives was considered inadequate properly to express the mind of the people on the important question of raising an army.

Pausing here to examine again the basis of representation, we discover that for the first three Provincial Congresses there was no attempt at equal apportionment. Dover, with a population of 1665, sent five delegates to the First Congress, while Rochester, with 1,548 inhabitants, was represented by only one. To the Second Congress, Dunstable, with a population of 705, sent three delegates, and Durham, with a population of 1,214, was represented by only two. Exeter sent five to the Third Congress to represent 1,741 inhabitants, while Londonderry returned but one member for a population of 1,290. Such examples might be multiplied.

The Fourth Provincial Congress met at Exeter May 17, 1775, with a membership of 151. On November 4, toward the end of a long session, it was

"Voted, That the Delegates or Representatives to be chosen to represent this Colony in Future shall be chosen by the voices or Votes of the Electors and not by the value of their Estates.

"That every Elector for Representatives in this Colony be Possessed of a Freehold or real Estate to the value of Twenty Pounds Lawf[l] money in such Town or place where the Election shall be.

"That every Person so elected shall be worth Three hundred Pounds L[l] money in real Estate in this Colony; the Election to be adjudged of by the Selectmen & the moderator of the meeting, saving an Appeal to the Congress or House of Representatives.

"That every Town, Parish, or Precinct in this Colony containing one hundred Freeholders as aforesaid may send one Delegate or Representative to the Congress or General Assembly; and that Every such Town, Parish, or Precinct having a greater number of Freeholders, may send a member for every hundred such Freeholders.

"That Precepts be sent to every Town, Parish, or Precinct in this Colony, Directing them to Elect a member & send to the Congress to be holden at Exeter in said Colony on the . . . . day of . . . . next, if such Town, Parish, or Precinct contain one hundred such Freeholders, and if not, then to couple with one or more other such Towns or Parishes untill they make up that number of such Freeholders."

Ten days later, on November 14, it was voted:

"That every Legal Inhabitant paying Taxes shall be a voter.

"That every Person Elected shall have a Real Estate in this Colony of the value of Two hundred Pounds lawful money.

"That no person shall be allowed a seat in Congress who by themselves, or any Person at their Desire Treat with Liquor &c any Electors on that Account.

"That the Towns, Parishes, & Places in this Colony be represented as Follows, viz.

Portsmouth,	Three	Chester,	Two
Hampton,	one	Candia,	one
North Hampton,	one	*Raymond & Poplin,	one
Exeter,	Two		
Londonderry,	Two	Brentwood,	one
New Castle,	one	*Hampton Falls & Seabrook,	one
Rye,	one		
*Kingston & East Kingston,	one	Nottingham,	one
		*Deerfield & Northwood,	one

Sandown & *Hawke,	one
Greenland,	one
Newington,	one
Stratham,	one
New Market,	one
Southampton & Newtown,	one
Kensington,	one
*Plaistow & Atkinson,	one
Hampstead,	one
Salem,	one
Pelham,	one
Dover,	Two
Madbury,	one
Durham,	one
Lee,	one
Somersworth,	one
Barrington,	one
*Gilmanton & Barnstead,	one
*Sanbornton & Meredith,	one
Rochester,	one
Amherst,	Two
Litchfield & *Nottingham W.	one
Dunstable,	one
Hollis,	one
*Merrimack & Bedford,	one
Derryfield & *Goffstown,	one
Weare,	one
Hopkinton,	one
Henneker, *Dearing, Hillsborough & Society Land, Francestown & *New Boston,	one

*Canterbury & Loudon,	one
*Epsom & Allenstown, Chichester	one
Pembroke,	one
Windham,	one
Bow & *Dunbarton,	one
Concord,	one
Epping,	one
In Rockingham,	38
Leavittstown, *Wakefield & Middleton,	one
*New Durham, the Gore & Wolfeborough,	one
*Moultonborough, Sandwich & Tamworth,	one
In Strafford,	13
New Ipswich,	one
*Boscawen & Salisbury,	one
Temple & *Peterborough,	one
*Wilton & Lyndeborough, Mile strip & Duxbury Farm,	one
*Mason & Raby,	one
New Breton, *Warner, Perrystown & Fishersfield,	one
In Hillsborough,	17

*Rindge, Jaffrey & Peterboro' Slip,	one	Keene,	one
		Westmoreland,	one
		Walpole,	one
*Dublin & Monadnock No. 5,	one	Charlestown,	one
		*Cornish, Plainfield, Protectworth & Grantham,	one
Packersfield, *Stoddard, Washington, Gilsom,	one		
		Claremont,	one
Marlow, Surry & Alstead,	one	*Unity, Acworth, Lempster, Saville, Croydon & Newport,	one
Hinsdale & *Chesterfield,	one		
Winchester,	one		
Richmond,	one		
Swanzey & Fitzwilliam,	one	In Cheshire,	15
New Chester, *Plymouth, Cockermouth, Alexandria,	one	*Haverhill, Bath, Lyman, Gunthwaite, Landaff & Morristown,	one
Rumney, Holderness, *Campton, & Thornton,	one	Apthorp, *Lancaster, Northumberland, Stratford, Cockburn, Conway, Shelburne, and the Towns above,	one
Lebanon, *Hanover, Relhan, Canaan, Cardigan & Grafton,	one		
Lyme, *Orford, Dorchester, Wentworth, Piermont & Warren,	one		
Rockingham,	38	Cheshire,	15
Strafford,	13	Grafton,	6
Hillsborough,	17	Total,	89

"That Precepts signed by the President of this Congress, be sent to the Selectmen of each Town Named in this List singly to be represented, to Elect & choose a Person. to Represent them in Congress to Meet at Exeter on the Twenty-first day of December next; also to the Town or Parish marked* where Towns or Parishes are classed together, To Notify the several Towns or Parishes in their respective Classes to meet at the most convenient Place in thier Town or Parish to accommodate the whole Electors, To choose some Qualified to Represent them as aforesaid: and all Selectmen are directed to give the Electors fifteen days Notice of the time and occasion of meeting. Said Members when met to set in Congress as often and so long as they shall judge requisite for Acting the Publick Business of this Colony: And to be Impowered by their constituents to Prosecute such measures as they may deem Necessary for the Publick good During the Term of one year from their first meeting, Unless they shall see fit to Dissolve themselves sooner.

"And in case there should be a recommendation from the Continental Congress for this Colony to Assume Government in any way that will require a house of Representatives, That the said Congress for this Colony be Impowered to Resolve themselves into such a House as may be recommended, and to remain such for the aforesaid Term of one year."

In addition to equalizing the apportionment of representation the effect of the enactments of the fourth Congress was greatly to reduce the membership of succeeding bodies, an effect which becomes at once evident in the comparatively small numbers of the next Congress, of which the roll shows but seventy-five.

This, the fifth Congress, met December 21, 1775, pursuant to precepts issued by the preceding body. On January 5, 1776, in accordance with a recommendation of the Continental Congress dated November 3, 1775, it was voted: "That this Congress take up Civil Government"; also "That this Congress Assume the Name, Power, & Authority of a House of Representatives or Assembly for the Colony of New Hampshire"; and that precepts should be issued for an annual election as they should thereafter prescribe.

In accordance with this provision, the House of Representatives voted on the eighteenth of September, 1776,

"That Precepts signed by the President of the Council And Speaker of the House of Representatives, Issue to the Same Towns, Parishes and Places in this State for the choice of a New House of Representatives (as issued for the same number of Representatives for the present House) to meet at Exeter on the third Wednesday in December next & to continue for one year. . . ."

The act of November 14, 1775, passed by the fourth Provincial Congress, which had temporarily determined the basis of representation, appears to have remained in force throughout the remainder of the period until the constitution adopted in 1783 went into effect on June 2, 1784. The number of Representatives varied slightly from time to time, on account of occasional revisions in the grouping of the less populous towns, but no radical changes were made until New Hampshire emerged from her political vicissitudes a full fledged state.

THE BASIS OF REPRESENTATION IN THE HOUSE OF REPRESENTATIVES IN NEW HAMPSHIRE SINCE 1784

Under the constitution of 1784 every town, parish, or place entitled to town privileges, having 150 ratable polls, was entitled to send one Representative to the General Court; and 300 was made the mean increasing number of ratable polls to entitle a town, parish, place, etc., to an additional Representative.[1] It is of interest to note that this basis and ratio remained fixed for more than ninety years, or until changed by the convention of 1876.

And even then allowing four inhabitants for each ratable poll, the change of base from ratable polls to population did not change the ratio. Thus the only changes made in the constitution of 1784 materially affecting representation have been those relating to the smaller towns.

Convention of 1791-92. The first House of Representatives elected under the constitution of 1784 contained only ninety-one members; and up to September 7, 1791, when the first convention for revising that constitution assembled, the largest number had been ninety-four.

In that convention, however, because of the growth of the population of the state, the fear was commonly expressed that the House of Representatives would soon become too large; and two plans for reducing the number of Representatives were laid before the convention, as follows:

1. It was proposed to change the number of ratable polls required for a Representative from 150 to 200.[2] This proposition was rejected, 31 yeas and 70 nays.

[1] The Constitution of Massachusetts of 1780 established the same basis, 150 ratable polls for the first representative, but made 225 the mean increasing number for an additional representative.

[2] Province and State Papers, vol. X, p. 44.

2. Mr. Plumer of Epping proposed to limit the number of Representatives to sixty, and to divide the state into districts for their election. This proposal was rejected, yeas, 22; nays, 73.[1]

On September 16 a committee on alterations and amendments was appointed to take into consideration the constitution with the several resolutions and proposed amendments, and report at the next session, and the convention then adjourned to February 8, 1792.

At the adjourned session this committee reported in favor of the following clause, to be added to the constitution of 1784:

"Provided, nevertheless, that whenever the number of members of the House of Representatives shall exceed 110, it shall be the duty of the legislature to make such arrangement as that the members shall not exceed at any time that number, nor shall the towns and districts entitled to send Representatives at any time be less than 80."[2]

Under date of February 21, 1792, is the following record:

"Proceeded to the consideration of the several articles or paragraphs (of the proposed draft of a revised constitution) under the head House of Representatives.

"On the first paragraph much debate ensued, and motion was made to strike out the words 'three hundred,' and insert 'two hundred twenty-five' as the mean increasing number, to determine which the yeas and nays were called and were as follows:

"19 yeas, 79 nays. So the motion was lost, and no alteration was made to said article.

"The next paragraph, contained in a proviso to prevent the number of Representatives being more than 110 at any one time hereafter, &c., was rejected."[3]

Thus the House of Representatives, as constituted under the constitution of 1784, remained unchanged.

[1] Province and State Papers, vol. X, pp. 48, 49.
[2] Province and State Papers, vol. X, p. 67.
[3] Province and State Papers, vol. X, pp. 107, 108.

Convention of 1850-51. In the next convention called to revise the constitution of the state, which met in Concord, November 6, 1850, the basis and ratio of representation was one of the chief subjects of discussion. The population of the state, which in 1786 (the state census for that year was the first taken under the constitution) had been 95,801, had now grown to 317,976; and the membership of the House of Representatives had increased from ninety-one to two hundred eighty-eight. It was generally recognized that so large a body was unwieldy, and incapable of legislating to the best advantage, and that it imposed an unnecessary burden upon the taxpayers. Many plans for reducing the number of members of the House of Representatives were presented. Those most favored in the early stages of debate were the four following:

I. On November 13 Mr. Hoit of Exeter moved to strike out the whole of the ninth, tenth, and eleventh articles of the constitution, and insert the following:

"House of Representatives.—The House of Representatives shall consist of not less than 200 nor more than 250 members, chosen annually by the cities, towns, and parishes entitled to town privileges according to population as shown decennially by the national census. The population of the state shall be divided by 250, and the number of times the resulting quotient is contained in each town or city will show the number of Representatives to which each city or town shall be entitled. Provided, however, that in respect to those towns, and those towns only, which by this process could not be represented in the legislature, a fraction of one-half or more shall be entitled to one Representative. Provided, moreover, that each town, however small in population, shall be allowed one Representative whenever a new apportionment of the state tax is made by the legislature."[1]

II. On November 15 Mr. Hayes of Madbury offered in the convention the following resolution, which was referred to the committee of the whole:

[1] The "Daily Patriot," November 14, 1850.

"Resolved that every town or place in this state entitled to town privileges shall be entitled to elect at least one Representative; that every such town or place having 700 legal voters shall be entitled to elect two Representatives; every such town or place having 1,500 legal voters shall be entitled to elect three Representatives; every such town or place having 2,500 legal voters shall be entitled to elect four Representatives; every such town or place having 5,000 legal voters shall be entitled to elect five Representatives; and no town or place shall elect more than five."[1]

III. On November 15, in the committee of the whole, Mr. Lane of Gilford moved an amendment as a substitute for that under consideration offered by Mr. Hoit, as follows:

"Resolved that in fixing the basis of representation it is expedient that the same be so arranged that every town, parish, or ward, or place entitled to town privileges, having 150 ratable polls of twenty-one years of age and upwards, may elect one Representative; if 750 ratable polls, may elect two Representatives; and so proceeding, making 1,000 ratable polls the number required for each additional Representative after the second. Such towns, parishes, wards, or places as have less than 150 ratable polls, may elect a representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 150."[1]

IV. On December 12, after the committee of the whole had made their report to the convention, Mr. Plumer of Epping offered the following resolution:

"Resolved that a committee of thirty-six members be raised, to whom shall be referred the subject of dividing the state into thirty-six senatorial districts to be made by this convention, and of providing that there shall be six Representatives chosen from each senatorial district, the Representatives so chosen to be elected separately by the several towns, cities, or wards in said district according to the number of their ratable polls, or in such other equitable mode as shall be provided by the legislature, having regard as near as may be to town representation, no alteration to be made in such senatorial districts oftener than once in ten years, or the taking of a census by the United States, and then only by a vote of two-thirds of both houses of the legislature."[2]

[1] The "Daily Patriot," November 16, 1850.
[2] The "Daily Patriot," December 13, 1850.

These different proposals, for which various substitutes and amendments were offered, were discussed in the committee of the whole for four weeks.

On December 10 the chairman of the committee of the whole reported to the convention Mr. Lane's plan with amendments, as follows:

"Resolved that in fixing the basis of representation it is expedient that the same be so arranged that every town, parish, ward, or place entitled to town privileges, having 150 ratable polls of twenty-one years of age and upwards, may elect one Representative; if 750 ratable polls, may elect two Representatives; if 1,550 ratable polls, may elect three Representatives; if 2,550 ratable polls, may elect four Representatives; and so proceeding, making 1,000 ratable polls required for each additional Representative after the third.

"Such towns, parishes, wards, or places as have less than 150 ratable polls may elect a Representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 150, provided that such towns or places as shall not have 150 ratable polls, and shall be conveniently located for that object, may, on application to the legislature, be classed for the choice of a Representative, such classed towns not to contain less than 150 ratable polls in each Representative district so formed."[1]

On December 12 Governor Steele of Peterborough introduced the following amendment to the foregoing plan, which was adopted by the convention:

"Provided, further, that all towns, cities, or places which now are or may hereafter be divided into sections or wards for the choice of Representatives, shall, for the purpose of apportioning the number of Representatives to the number of ratable polls, be considered as undivided."[2]

On the same day Mr. Bartlett of Portsmouth moved to amend the amendment by striking out all after the words,

[1] From the manuscript Journal of the Constitutional Convention of 1850-51, p. 171.

[2] Ibid., p. 186.

"Resolved that in fixing the basis of representation," and inserting the following instead thereof, "That the towns in each of the thirty-six senatorial districts be authorized to send to the house ( ) Representatives, to be apportioned among the several towns in the districts as the legislature may direct."

This amendment was rejected—yeas, 92; nays, 174.[1]

On December 13 Mr. Eastman of Conway introduced the following amendment to Mr. Lane's plan as modified by the convention: "By striking out the word fifty wherever it occurs in the first proviso, and inserting the words seventy-five instead thereof."[2] This amendment was adopted.

On the same day the question was put, "Will the convention agree to the amendment reported by the committee of the whole relating to the basis and ratio of representation as amended, which is as follows:

"Resolved that on fixing the basis of representation it is expedient that the same be so arranged that every town, parish, ward, or place entitled to town privileges, having 175 ratable polls of twenty-one years of age and upwards, who shall have resided in this state six months or more immediately preceding their enrollment, paupers and foreigners not naturalized excepted, may elect one Representative; if 750 ratable polls, may elect two Representatives; if 1,550 ratable polls, may elect three Representatives; if 2,550 ratable polls, may elect four Representatives; and so proceeding, making 1,000 ratable polls the number required for each additional Representative after the third; such towns, parishes, wards, or places as have less than 175 ratable polls may elect a Representative such portion of the time as the aggregate number of their ratable polls shall bear to the number of 175; provided that such towns or places as shall not have 175 ratable polls, and shall be conveniently located for the object, may, on application to the legislature, be classed for the choice of a Representative, such classed towns not to contain less than 175 ratable polls in each representative district so formed: provided, further, that all towns, cities, or places which now are or may hereafter be divided into sections or wards for the choice of Representatives shall, for the purpose of apportion-

[1] From the manuscript Journal of the Constitutional Convention of 1850-51, p. 191.

[2] Ibid., p. 211.

ing the number of Representatives to the number of ratable polls, be considered as undivided.' "

The yeas and nays were called and the proposed amendment to the constitution was adopted—yeas, 129; nays, 119.[1]

This amendment was duly submitted to the people on the second Tuesday of March, 1851, in the form of the second question, as follows: "Do you approve of a House of Representatives to be constituted and chosen as provided in the amended Constitution?" It was rejected—yeas, 6,147; nays, 33,750—more than four fifths of the votes having been cast against it.

Convention of 1876. In the convention that assembled at Concord December 6, 1876, no part of the constitution was more continuously under discussion than that relating to the House of Representatives.

Among the causes which led the convention to take up the subject of basis and ratio of representation, the three following were the most important:

1. There was a wide-spread feeling that the House of Representatives was too large. The number of its members at the June session, 1876, was 391.

2. It was alleged that lax or corrupt officials often had interpreted the term "ratable polls," upon which by the constitution representation had been based, so as to promote personal, local, or partisan interests.

3. There was a provision in the constitution of 1784 giving the legislature the power to issue a writ for the election of a Representative to the General Court from any town containing less than 150 ratable polls, and so situated that it could not conveniently be classed. The population of New Hampshire by the census of 1870 showed practically no gain over that of 1850; but the membership of the House of Representatives had been increased from two hundred eighty-eight in 1851 to three hundred ninety-one in 1876. One potent cause for this

[1] From the manuscript Journal of the Constitutional Convention of 1850-51, p. 212.

remarkable increase was found in the fact that partisan considerations often had led the legislature to grant the petitions of small towns for the privilege of sending Representatives.

The long discussion in the convention over the basis of representation began with the proposal that the number of members of the House of Representatives be reduced by choice of one of the four following methods:

"1. Shall the number of Representatives to the House be diminished by increasing the ratio of representation?
"2. Shall the number of Representatives to the House be diminished by districting the state into representative districts?
"3. Shall the number of Representatives to the House be diminished by diminishing by definition the number of ratable polls?
"4. Shall the number of Representatives to the House be diminished by a classification of all towns having less than 150 ratable polls?"[1]

Numerous specific plans for reducing the number of members of the House were submitted, of which the following are the more important:

Mr. Page of Haverhill introduced the following amendment:

"Amend article 9 by striking out all after the word 'privileges' in the fifth line, and adding the words 'having 400 inhabitants, may elect one Representative; if 2,000 inhabitants, may elect two Representatives; if 4,000 inhabitants, may elect three Representatives; and so proceeding in that proportion, making 2,000 inhabitants the mean increasing number for every additional Representative, the number of inhabitants in each case to be taken to be the number shown by the last preceding official census taken under the authority of the United States; and no towns shall be so divided or cities warded as to increase their ratio of representation.' "[2]

On December 12 Mr. Sargent of Concord introduced the following resolution:

[1] Journal of the Constitutional Convention of 1876, p. 61.
[2] Ibid., pp. 66, 67.

"Resolved that the state be divided into 100 representative districts, to be formed so as to contain as nearly as may be an equal number of inhabitants, and in such a way as to conform to the existing county, town, and ward lines so far as may be, and that each of said districts shall be entitled to send two Representatives to the General Court. The legislature may from time to time change these districts so as to make them conform as nearly as may be to the foregoing conditions, but in no case shall any change be made in said districts oftener than once in ten years."[1]

Mr. Badger of Concord introduced the following:

"Amend by striking out articles 9, 10, 11, and inserting therefor the following words, 'The House of Representatives shall consist of not less than ( ), nor more than ( ) members, chosen by the cities, towns, and places entitled to town representation, according to population as shown by the decennial census of the United States as follows: the whole population of the state to be divided by the maximum number of Representatives, and the quotient arising by dividing the population of any city, town, or place by the first resulting quotient shall determine the number of Representatives to which any city, town, or place may be entitled. Provided, however, that all cities, towns, places which cannot be represented by this process shall be entitled to representation such portion of the time as their respective populations bear to the first resulting quotient. Provided, however, that every city, town, and place, however small its population, shall be entitled to representation each year when a new apportionment of the state tax is made.' "[2]

Other detailed plans were introduced by Mr. Gallinger of Concord and by Mr. Farr of Littleton, both of which were withdrawn in favor of one introduced by Mr. Lyford of Canterbury, which proposed to make six hundred inhabitants the basis for the first Representative, and twelve hundred additional inhabitants the mean increasing number for an additional Representative.[3]

Mr. Gallinger estimated that on this basis the house would contain not more than three hundred members, probably less.[4]

[1] Journal of the Constitutional Convention of 1876, p. 133.
[2] Ibid., p. 188.

Upon the main question being put, "Is it desirable to reduce the number of members of the House?" a division was called for, whereupon 268 members voted in the affirmative, and none in the negative.

The question of the proper definition of the term "ratable polls" was frequently under discussion, and numerous facts were brought out showing the effects of the different interpretations in the past.

During the first half-century under the constitution there had been no definition of ratable polls, either by statute or by the courts. But in 1834 the superior court was requested by the House of Representatives to give its opinion on the following questions:

"1. Are aliens ratable polls, within the intent and meaning of those provisions of the constitution of this state which relate to the number of Representatives to this House to which the several towns in this state are entitled?

"2. Whether persons over seventy years of age are ratable polls within the intent and meaning of the same provisions of said constitution and laws of this state?"

At the June session, 1835, the superior court communicated to the House of Representatives its opinion on the above questions, in effect as follows:

The term "ratable polls" as used in the constitution includes all male polls twenty-one years of age and upwards, subject to be made taxable, and which are made taxable.

Aliens are to be included in determining the representation of towns because they are taxable by existing laws.

Persons over seventy years of age are to be excluded, because they are excused from taxation. (N. H. Reports, Vol. VIII, pp. 573-576.)

In 1842 the term "ratable polls" was defined by statute as follows:

"In determining the number of Representatives to which any town is entitled, every male inhabitant of the age of twenty-one years and upwards shall be considered a ratable poll." (Rev. Stat., 1842, Chap. 29, Sect. 3.)

In 1847 this definition was amended, and the meaning limited to

"Every male inhabitant of twenty-one years of age and upwards, who is a legal voter in such town or place, or, not being a legal voter, has resided therein twelve months next preceding the election at which such Representative or Representatives are to be chosen, or who has been taxed and has paid a poll tax within such town during the year preceding the same election."(Laws of N. H., 1847, Chap. 493, Sect. 1.)

But again, in 1871, a law was passed which in effect reënacted the statute of 1842. The act of 1871 is as follows:

"In determining the number of Representatives to which any town or ward is entitled, every male inhabitant therein who is a voter, and any other person of twenty-one years of age and upwards, and who is liable or subjected by law to a poll tax, shall be considered a ratable poll." (Laws of N. H., 1871, Chap. 5, Sect. 4.)

At the suggestion of Mr. Hatch of Keene.

"1. All members in favor of basing representation upon the number of ratable polls were requested to stand and be counted, and 14 members so voted.
"2. All members in favor of basing representation upon legal voters were requested to stand and be counted, and 44 members so voted.
"3. All members in favor of basing representation upon population were requested to stand and be counted, and 232 members so voted."[1]

On December 14, on motion of Mr. Page of Haverhill, the following resolution was adopted: "*Resolved* that population be the basis of representation." Yeas, 177; nays, 15.[2]

Upon motion of Mr. Ramsdell of Nashua the convention voted that a committee of twenty be appointed to take into consideration the question of the basis of representation. This committee was as follows: Messrs. J. J. Bell of Exeter (chairman), Wendell of Portsmouth, Wheeler of Dover, Wood-

[1] Journal of the Constitutional Convention of 1876, p. 221.
[2] Ibid., p. 222.

man of Somersworth, Cole of Gilford, Whipple of Laconia, Hubbard of Tamworth, Mason of Moultonborough, Gallinger of Concord, Shirley of Andover, Ramsdell of Nashua, Woodbury of Pelham, Hatch of Keene, Buffum of Walpole, Tolles of Claremont, Sturoc of Sunapee, Murray of Canaan, Putnam of Warren, Burton of Lancaster, Bedel of Colebrook.[1]

Mr. Marston of Exeter, in a long speech in which he defended the old basis of representation and the importance of a large house, said:

"All the trouble, as I think, and all the increase of representation which has created the whole desire, and induced many people to think that there ought to be a diminution in the House of Representatives, arise from an abuse of the law . . . It went so far that the legislature gave to the little town of Gosport (annexed to Rye in 1876) the right to send a Representative, and it only cast 12 votes."[2]

Mr. Bell of Exeter, for the special committee of twenty to whom was referred the various propositions basing the representation upon population, reported that the committee, after consideration of the several propositions, recommended the adoption of the following amendments to the constitution:

Strike out Articles 9, 10 and 11, and insert the following:

"There shall be in the legislature of this state a representation of the people, biennially elected, and founded upon principles of equality; and, in order that such representation may be as equal as circumstances will admit, every town and place entitled to town privileges, and wards of cities, having 600 inhabitants by the last preceding general census of the state, taken by authority of the United States or of this state, may elect one Representative; if 1,800 such inhabitants, may elect two Representatives; and so proceeding in that proportion, making 1,200 such inhabitants the mean increasing number for every additional Representative; provided that no town shall be divided, or the boundaries of the wards of any city so altered, as to increase the number of Representatives to which such town or city may be entitled by the then next preceding

[1] Journal of the Constitutional Convention of 1876, pp. 224, 225.
[2] Ibid., pp. 234, 235.

census; and provided, further, that the legislature in session next before these amendments shall take effect shall equitably apportion the Representatives to those towns which may have been divided, or whose boundaries have been changed since the last census, and in those cities the boundaries of the wards of which have been altered since the last census, in such manner that the number of Representatives shall not be greater than it would have been had no division or alteration been made.

"ARTICLE 10. Such towns, places, or wards as have less than 600 such inhabitants shall be classed by the General Court for the purpose of choosing a Representative, so that each such class shall contain at least 600 such inhabitants, and be seasonably notified thereof; and in every class formed for the above mentioned purpose the first annual meeting shall be held in the town, place, or ward wherein most of the inhabitants reside, and afterward in that which has the next highest number, and so on, biennially, in rotation through the several towns, places, or wards forming the district.

"ARTICLE 11. Whenever any town or place entitled to town privileges, and wards of cities, shall not have 600 such inhabitants, and be so situated as to render the classing thereof with any other town, ward, or place very inconvenient, the General Court shall determine when such town, place, or ward shall send a Representative such proportionate part of the time as the number of its inhabitants shall bear to six hundred; and the legislature shall not grant to any town, place, or ward any special privilege to send a Representative."[1]

In the debate upon the report of this committee of twenty the chief objection urged was that it granted representation to the cities by wards in such a way that while three thousand inhabitants would give a town a right to three Representatives, by division of a city of the same population into wards of six hundred each it would be entitled to five Representatives.

On December 15 the report of the special committee of twenty was adopted by the convention, yeas, 266; nays, 76.[2]

This amendment was submitted to the legal voters of the state on the second Tuesday of March, 1877, in the form of Question Four, as follows: "Do you approve of a House of

[1] Journal of the Constitutional Convention of 1876, pp. 230, 231.
[2] Ibid., p. 252.

Representatives based upon population, and constituted and chosen as provided in the amended constitution?" It was ratified with the following vote: Yeas, 31,924; nays, 10,878. This amendment, by enactment of the legislature, went into effect on August 17, 1878. (Laws of N. H., 1878, Chap. 67, Sect. 7.)

Convention of 1889. In the convention of 1889 several resolutions were introduced relating to the basis and ratio of representation. One proposed to change the mean increasing ratio from twelve hundred to eighteen hundred for an additional Representative.[1] Another proposed to allow the voters in the classed towns to cast their ballots for Representatives in the towns in which they dwelt.[2]

By the amendment of 1876 it was provided that in every class the first meeting for the election of a Representative "should be held in the town, place, or ward wherein most of the inhabitants reside, and afterwards in that which has the next highest number, and so on, biennially, in rotation through the several towns, places, and wards forming the district."[3] Still another plan proposed to give every town a Representative.[4]

All these resolutions were referred to the committee on future amendments, which reported on January 10 that it was inexpedient to act on the subject.[5]

Mr. Harvey of Surry introduced the following resolution, which was reported favorably by the committee:

"Resolved that Article 10 of the constitution be stricken out, and Article 11 be amended so as to read as follows: 'Whenever any town, place, or city ward shall have less than 600 such inhabitants, the General Court shall authorize such town, place, or ward to elect and send to the General Court a Representative such proportionate part of the time as the number of its inhabitants shall bear to 600. And the General Court shall not authorize any town, place, or ward to elect and send such Representative except as herein provided.' "[6]

[1] Journal of the Constitutional Convention of 1889, p. 54.
[2] Ibid., p. 60.
[3] Amended Constitution 1876, part II, sect. 10.
[4] Journal of the Constitutional Convention of 1889, p. 112.
[5] Ibid., p. 145.
[6] Ibid., pp. 138, 139; 212, 218.

Many petitions from the inhabitants of classed towns were received, all showing that in those towns there was great dissatisfaction with that part of the constitution, as amended in 1876, which related to the classification of towns. The two principal reasons were: 1. Where a small town was classed with a large one, the practical working of the plan showed that the large town always had the Representative, and the smaller town was practically unrepresented; 2. In several towns it often had been necessary for voters to travel a distance of twenty miles to the polls in order to vote. This had resulted in practically disfranchising certain sections, and in some cases the vote cast had never equaled fifty per cent. of the legal voters. The report of the committee was accepted by the convention on January 11, and the resolution adopted.[1]

This proposed amendment to the constitution was duly submitted by the convention to the legal voters of the state in the form of Question Seven: "Do you approve of amending the constitution with reference to representation in classed towns as proposed in the amended constitution?" It was adopted by them at the annual town meetings on the second Tuesday of March, 1889, yeas, 30,002; nays, 12,846.

In the convention of 1902 no other single subject received so much consideration as the basis and ratio of representation. More than twenty different resolutions relating to it were introduced, and nearly all of them provided for fixing some limit to the number of the members of the House of Representatives. Although the population of the state at that time was only about 411,000, the number of the members of its House (397) made it, with one or two exceptions, the largest legislative assembly in the world. After prolonged discussion of these various proposals, this convention, like some of its recent predecessors, was found to be divided between those favoring a town system and those advocating the adoption of the district system.

The committee on legislative department, to which these competing plans were referred made a report on December

[1] Journal of the Constitutional Convention of 1889, p. 259.

17, recommending an amendment to the constitution (Pt. 2, Arts. 9 and 10) making 800 inhabitants necessary for the first Representative and 1,600 for each additional Representative.

This report was adopted by the convention, and this amendment was submitted to the qualified voters as Question Nine, as follows:

9. Do you approve of amending the provision as to representation in the House of Representatives by making 800 inhabitants necessary to the election of one Representative, and 2,400 inhabitants necessary for two Representatives, and 1,600 necessary for each additional Representative; with the proviso that a town, ward, or place having less than 800 inhabitants may send a Representative a proportionate part of the time; or that such towns, wards, and places when contiguous may unite to elect a Representative if each town so decides by major vote;—as proposed in the amendment to the constitution?

It was rejected by a vote of 20,295 to 13,069.

APPENDIX.

APPENDIX.

LAWS OF 1909.

CHAPTER 175.

JOINT RESOLUTION TO PROVIDE FOR TAKING THE SENSE OF THE QUALIFIED VOTERS OF THE STATE AS TO THE EXPEDIENCY OF CALLING A CONSTITUTIONAL CONVENTION.

SECTION
1. Warrants for election in November, 1910, to contain article on question of calling constitutional convention.
2. Question of calling constitutional convention to be printed on ballots.
3. Returns of votes on the question.

Resolved by the Senate and House of Representatives in General Court convened:

SECTION 1. That the selectmen of the several towns and places in this state are directed to insert in their warrants calling town meetings for the biennial election to be holden on the Tuesday next following the first Monday in November, 1910, an article which shall require the sense of the qualified voters to be taken on the following question, namely: Is it expedient that a convention be called to revise the constitution?

SECT. 2. The Secretary of State, in the preparation of the ballots for use in the biennial election in November, 1910, shall have printed in the ballots the following question: Is it expedient that a convention be called to revise the constitution?, and so arrange the form of the ballots that the sense of the voters may be taken on this question.

SECT. 3. The town clerks of the several towns and wards in this state shall, within thirty days after said biennial election, make returns to the Secretary of State of the number of votes cast for, and also of the number of votes cast against the calling of a convention to revise the constitution.

Approved March 10, 1909.

VOTE OF STATE BY COUNTIES ON CALLING CONSTITUTIONAL CONVENTION, NOV. 8 (Tuesday following first Monday), 1910.*

	Total vote.	Yes.	No.	Population by census of 1910.
Rockingham	4,237	2,244	1,993	52,188
Strafford	3,871	2,250	1,621	38,951
Belknap	2,080	1,172	908	21,309
Carroll	1,321	589	732	16,316
Merrimack	5,417	3,216	2,201	53,335
Hillsborough	11,269	8,165	3,104	126,072
Cheshire	2,694	1,495	1,199	30,659
Sullivan	2,044	1,015	1,039	19,337
Grafton	3,284	1,551	1,733	41,652
Coos	2,419	1,408	1,011	30,753
Totals	192,364	23,105	15,541	430,572

*For vote of town see Manual of the General Court, 1911, p. 210-224.

LAWS OF 1911.

CHAPTER 187.

AN ACT PROVIDING FOR A CONVENTION OF DELEGATES FOR THE PURPOSE OF REVISING THE CONSTITUTION.

SECTION
1. Delegates, when chosen.
2. Who eligible for election.
3. Delegates, how chosen and proportioned.
4. Certificates of election.
5. Blank form of certificates.
6. Convention to meet when.
7. Arrangement of amendments.
8. Books, documents, etc.
9. Transportation of delegates.
10. Takes effect on passage.

Be it Enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That at the election in the several towns of this state to be holden on the second Tuesday of March, A. D. 1912, and at a special election in the several cities of this state to be holden on said second Tuesday of March, A. D. 1912, delegates to a convention to revise the constitution of this state

shall be chosen, and an article therefor shall be inserted in the warrants calling said meetings; and all the laws relating to the election of Representatives to the General Court, so far as the same may be applicable, shall apply to the election of delegates except as herein otherwise provided.

SECT. 2. Any person shall be eligible to a seat in said convention who by the laws of this state is a qualified voter in the town or district from which he may be elected.

SECT. 3. The delegates shall be chosen in the same manner and proportioned as the Representatives to the present General Court, *provided* that each and every town shall be entitled to send one delegate at least.

SECT. 4. Town clerks and clerks of supervisors of election shall deliver to the person or persons elected a certificate of his or their election.

SECT. 5. The Secretary of State is directed to prepare and seasonably transmit to the several town clerks suitable blank forms for certificates of the election of delegates.

SECT. 6. The delegates so chosen shall meet in convention at the capitol in Concord on the first Wednesday of June, A. D. 1912, at 11 o'clock in the forenoon, and shall proceed to organize themselves in convention by choosing by ballot one of their number as President, and such other officers as they may deem necessary; they shall be the judges of election and returns of their own members, and may establish rules of proceeding, and, when organized, shall proceed to revise the constitution.

SECT. 7. If the alterations or amendments of the constitution shall be agreed to by said convention, they shall be so arranged and prepared that the same can be voted on by the people separately, unless the convention shall be of the opinion that it is impracticable so to prepare and arrange them, in which case the amendments shall be voted on together; and in either case the convention shall prescribe the mode of publication of the amendments, the time and manner in which the same shall be submitted to the people for their approval, and may pass an ordinance in relation to the manner of ascertaining their decision, and declaring and publishing the same, the time when such amendments as shall be approved shall take effect, and may do any and all other things which they deem necessary to carry out the purpose and object of such convention.

SECT. 8. It shall be the duty of the Secretary of State to furnish said convention such books, documents, papers, stationery, and printing as the convention shall require or order.

SECT. 9. The Governor is hereby authorized and directed to

contract prior to the session of the constitutional convention for the steam railroad transportation of the delegates, officers, and employees of the same. Said contract shall be made in the name of the state, and the cost thereof shall be paid from the treasury upon the warrant of the Governor. Such payment shall be in lieu of all mileage of delegates and officers of the constitutional convention; and for his attendance each member shall receive three dollars per day during the said convention, except that the clerk and assistant clerk shall receive the same pay as a member of the convention and one hundred dollars each additional for making up the journals, the same to be paid out of the treasury.

SECT. 10. This act shall take effect from and after its passage.

Approved April 15, 1911.

CHAPTER 247.

JOINT RESOLUTION PROVIDING FOR THE PAYMENT OF THE EXPENSES OF A CONVENTION TO REVISE THE CONSTITUTION.

Resolved by the Senate and House of Representatives in General Court convened:

That a sum not exceeding twenty-five thousand dollars be and is hereby appropriated to pay the expenses of a convention to revise the constitution; and the Governor is authorized to draw his warrant for so much of said sum as may be necessary for that purpose.

Approved April 15, 1911.

DELEGATES TO CONSTITUTIONAL CONVENTION JUNE 5, 1912.

ROCKINGHAM COUNTY.

Atkinson, Charles I. Pressey.
Auburn, Edward C. Griffin.
Brentwood, John J. Knights.
Candia, George H. McDuffee.
Chester, Cyrus F. Marston.
Danville, Clarence M. Collins.
Deerfield, Jonathan H. Batchelder.
Derry, William H. Benson,
Frederick J. Shepard,
John E. Webster.
East Kingston, William D. Ingalls.
Epping, John Leddy.
Exeter, Henry W. Anderson,
Edwin G. Eastman,
Arthur O. Fuller,
John Scammon.
Fremont, Joseph B. Sanborn.
Greenland, Harrie A. Holmes.
Hampstead, Frank W. Emerson.
Hampton, Horace M. Lane.
Hampton Falls, George C. Healey.
Kensington, Stewart E. Rowe.
Kingston, Leonard W. Collins.
Londonderry,
Rosecrans W. Pillsbury.
Newcastle, James W. Pridham.
Newfields, George E. Leighton.
Newington, Frederick Pickering.
Newmarket, Charles A. Morse,
George H. Willey.
Newton, John E. Hayford.
North Hampton, James R. Dow.
Northwood, William H. Towle.
Nottingham, Perley B. Batchelder.
Plaistow, Fred P. Hill.
Portsmouth:
Ward 1, William T. Entwistle,
John August Hett.
Ward 2, Charles H. Batchelder,
Harry E. Boynton,
Frederick M. Sise.
Ward 3, John L. Mitchell,
William H. Moran.
Ward 4, Ernest L. Guptill.
Ward 5, Eugene B. Eastman.
Raymond, William G. Brown.
Rye, Albert H. Drake.
Salem, George C. Gordon,
Lester Wallace Hall.
Sandown, John W. Lovering.
Seabrook, Charles D. Foote.
South Hampton, Frank M. Jewell.
Stratham, George E. Gowen.
Windham, John E. Cochran.

STRAFFORD COUNTY.

Barrington, Frank H. Clark.
Dover:
Ward 1, Ernest B. Folsom,
Clarence I. Hurd.
Ward 2, John Main,
Herbert K. Otis,
George H. Sherry.
Ward 3, George G. Neal,
Arthur G. Whittemore.
Ward 4, Elisha R. Brown,
Alonzo Melvin Foss,
Daniel Hall.
Ward 5, John H. Wesley.
Durham, Albert DeMeritt.
Farmington, Ulysses S. Knox,
Charles W. T. Willson.
Lee, Louis H. Snell.
Madbury, Charles G. Sanders.
Middleton, William F. Hanson.
Milton, Fred B. Roberts.
New Durham, Zanello D. Berry.
Rochester:
Ward 1, Albert L. Richards.
Ward 2, Frank B. Preston.
Ward 3, Walter S. Meader.
Ward 4, Aurelle Beaudoin,
Isidore P. Marcotte.
Ward 5, Orrin A. Hoyt.
Ward 6, Albert Wallace.
Rollinsford, Gardner Grant.
Somersworth:
Ward 1, John N. Haines.
Ward 2, Fred H. Brown.
Ward 3, Louis P. Cote.
Ward 4, Michael P. Flanagan,
George Letourneau.
Ward 5, Treffle Leclerc.
Strafford, Woodbury W. Durgin.

BELKNAP COUNTY.

Alton, Charles H. McDuffee.
Barnstead, Frank H. Moore.
Belmont, Edwin C. Bean.
Center Harbor, Leonard B. Morrill.
Gilford, James R. Morrill.
Gilmanton, George C. Parsons.
Laconia:
  Ward 1, True E. Prescott.
  Ward 2, Edward M. Richardson.
  Ward 3, John T. Busiel.
  Ward 4, Oscar L. Young.
  Ward 5, William D. Veasey.
  Ward 6, Benjamin F. Drake,
    George H. Saltmarsh.
Meredith, Simeon M. Estes.
New Hampton, Herbert M. Thyng.
Sanbornton, Robert M. Wright.
Tilton, William B. Fellows,
    Charles E. Tilton.

CARROLL COUNTY.

Albany, James T. Povall.
Bartlett, Ralza E. Andrews.
Brookfield, George A. Wiggin.
Chatham, Hazen Chandler.
Conway, Holmes B. Fifield,
    James L. Gibson,
    Arthur R. Shirley.
Eaton, Henry H. Robertson.
Effingham, James L. Wormwood.
Freedom, George F. Huckins.
Hart's Location, Charles H. Morey.
Jackson, Nelson I. Trickey.
Madison, Edward E. Hoyt.
Moultonborough, James E. French.
Ossipee, Frank Weeks.
Sandwich, Paul Wentworth.
Tamworth, Edward S. Pollard.
Tuftonboro, Robert Lamprey.
Wakefield, William W. Berry.
Wolfeboro, Sewall W. Abbott,
    Frank P. Hobbs.

MERRIMACK COUNTY.

Allenstown, Charles H. Smith.
Andover, George W. Stone.
Boscawen, Willis G. Buxton.
Bow, Henry M. Baker.
Bradford, Everett Kittredge.
Canterbury, Henry L. Clough.
Chichester, John L. T. Shaw.
Concord:
  Ward 1, George E. Farrand,
    John E. Marden.
  Ward 2, Clarence I. Tibbetts.
  Ward 3, Abijah Hollis.
  Ward 4, Allen Hollis,
    James O. Lyford,
    John M. Mitchell.
  Ward 5, Charles R. Corning,
    Arthur P. Morrill.
  Ward 6, Charles P. Bancroft,
    Henry A. Kimball,
    Nathaniel E. Martin.
  Ward 7. William W. Flint,
    Edward J. Hatch,
    Frank P. Quimby.
  Ward 8, Howard F. Hill.
  Ward 9, Edward J. Gallagher,
    John Henneberry.
Danbury, Harry G. Dean.
Dunbarton, Bradford Burnham.
Epsom, Warren Tripp.
Franklin:
  Ward 1, Rufus P. Gardner.
  Ward 2, Charles H. Bean,
    Frank E. Woodbury.
  Ward 3, Thomas F. Clifford,
    Seth W. Jones.
Henniker, Charles A. Wilkins.
Hill, Ellon S. Little.
Hooksett, Fred N. Mitchell.
Hopkinton, Arthur J. Boutwell.
Loudon, Albert B. Sargent.
Newbury, Joseph A. Donigan.
New London, Justin O. Wellman.
Northfield, Edwin J. Young.
Pembroke, George W. Fowler,
    Henry T. Fowler,
    Joseph A. Rainville.
Pittsfield, Edward Everett Clark.
    Nathaniel S. Drake.
Salisbury, John Shaw.
Sutton, Milton B. Wadleigh.
Warner, Edward H. Carroll.
Webster, Harvey C. Sawyer.
Wilmot, Fred E. Goodhue.

HILLSBOROUGH COUNTY.

Amherst, Horace T. Harvell.
Antrim, Hiram W. Eldredge.
Bedford, George D. Soper.
Bennington, Arthur J. Pierce.
Brookline, Orville D. Fessenden.
Deering, Edwin F. Dutton.
Francestown, Edson H. Patch.
Goffstown, George P. Hadley,
Alvin P. Seeton.
Greenfield, Willis D. Hardy.
Greenville, Daniel J. Brown.
Hancock, Clarence H. Ware.
Hillsborough, Charles S. Flanders,
George W. Haslet.
Hollis, Daniel W. Hayden.
Hudson, Henry C. Brown.
Litchfield, Amos Saunders.
Lyndeborough, Walter S. Tarbell.
Manchester:
Ward 1, Narcisse Richer,
James A. Sayers,
Joseph Tait.
Ward 2, Charles B. Brown,
Elliot C. Lambert,
Jesse B. Pattee,
George H. Warren,
Allan M. Wilson.
Ward 3, John G. Crawford,
Joseph O. Gagnon,
Edwin F. Jones,
Eugene G. Libbey,
Ludwig Lindquist,
Hobart Pillsbury.
Ward 4, John B. Cavanaugh,
Henry B. Fairbanks,
William G. Garmon,
George I. Haselton,
Frederick W. Shontell,
Harrie M. Young.
Ward 5, James A. Broderick,
Martin Connor,
William B. Eagan,
James L. Glynn,
Thomas F. Howe,
Peter J. Magan,
Patrick J. Ryan,
Thomas F. Sheehan.
Ward 6, Joseph P. Chatel,
Joseph M. McDonough,
Almus W. Morse,
Robert I. Stevens.
Ward 7, Edward B. Woodbury.
Ward 8, Arthur J. Moquin,
Ward 8, Herman Rodelsperger,
Rudolph Schiller,
Charles C. Tinkham,
Henry J. VanVliet.
Ward 9, Theophile G. Biron,
Odilon Demers,
Francois X. Gagne,
Euclide F. Geoffrion,
Winfred D. Hebert,
Horace Martel,
Armelle Turcotte.
Ward 10, Joseph Chevrette,
John J. Connor,
John J. Donnelly,
Frank J. Leclerc.
Mason, Albert B. Eaton.
Merrimack, Everett E. Parker.
Milford, Arthur L. Keyes,
Clinton A. McLane,
Fred T. Wadleigh.
Mont Vernon, Frank J. Conner.
Nashua:
Ward 1, Harry P. Greeley,
Charles J. Hamblett.
Ward 2, Charles O. Andrews,
Robert A. French.
Ward 3, James A. Gilmore,
John P. Lampron,
Frank Rancour.
Ward 4, Edward E. Parker.
Ward 5, Frederick J. Gaffney.
Ward 6, Edward H. Wason.
Ward 7, Thomas F. Moran,
Frederick D. Runnells,
Arthur K. Woodbury.
Ward 8, Horace H. Phaneuf,
John F. Shea,
Willard C. Tolles.
Ward 9, Frank B. Clancy,
Charles Dionne, Jr.,
Joseph Ducharme,
George Theriault.
New Boston, Samuel L. Marden.
New Ipswich, William E. Davis.
Pelham, Charles W. Hobbs.
Peterborough, Eben W. Jones,
Ezra M. Smith.
Sharon, George M. Smith.
Temple, Willie W. Colburn.
Weare, Byron L. Morse.
Wilton, George E. Bales.
Windsor, Joseph R. Nelson.

CHESHIRE COUNTY.

Alstead, John W. Prentiss.
Chesterfield, David W. Slade.
Dublin, Willard H. Pierce.
Fitzwilliam, Amos J. Blake.
Gilsum, Osmon H. Hubbard.
Harrisville, Thomas J. Winn.
Hinsdale, Gardner S. Howe,
Edalbert J. Temple.
Jaffrey, George H. Duncan,
Will J. Mower.
Keene:
Ward 1, Orville E. Cain,
Charles M. Norwood.
Ward 2, Adolf W. Pressler.
Jerry P. Wellman.
Ward 3, Martin V. B. Clark,
Charles C. Sturtevant.
Ward 4, Robert E. Faulkner.
Ward 5, Joseph Madden.
Marlborough, Levi A. Fuller.
Marlow, Rockwell F. Craig.
Nelson, James E. Ruffle.
Richmond, Almon Twitchell.
Rindge, Charles W. Fletcher.
Roxbury, David B. Nims.
Stoddard, Henry E. Spalding.
Sullivan, Leslie H. Goodnow.
Surry, Hiram F. Newell.
Swanzey, George E. Whitcomb.
Troy, Melvin T. Stone.
Walpole, Daniel W. Connors,
Frank A. Spaulding.
Westmoreland, Elmer T. Nims.
Winchester, John P. Ball,
David O. Fisher.

SULLIVAN COUNTY.

Acworth, Guy S. Neal.
Charlestown, Oscar C. Young.
Claremont, Hartley L. Brooks,
Henry N. Hurd,
Emerson A. Quimby,
George P. Rossiter,
James Duncan Upham.
Cornish, Fenno B. Comings.
Croydon, Edgar W. Davis.
Goshen, Burk Booth.
Grantham, William H. Howard.
Langdon, Charles Winch.
Lempster, Hiram Parker.
Newport, Jesse M. Barton,
John W. Johnson,
Ernest A. Robinson.
Plainfield, Charles A. Tracy.
Springfield, Carl B. Philbrick.
Sunapee, Murvin A. Bailey.
Unity, Charles A. Newton.
Washington, Melvin E. Hixson.

GRAFTON COUNTY.

Alexandria, Ned A. Mathews.
Ashland, Ellis G. Gammons.
Bath, John H. DeGross.
Benton, Lebina H. Parker.
Bethlehem, Fred D. Lewis.
Bridgewater, No choice.
Bristol, Henry C. Whipple.
Campton, Darius Moulton.
Canaan, Charles O. Barney.
Dorchester, Henry M. Merrill.
Easton, Charles A. Young.
Ellsworth, Vernie H. Avery.
Enfield, Thomas J. Carlton,
Eugene A. Wells.
Franconia, Henry Spooner.
Grafton, George S. Barney.
Groton, Charlie D. Jewell.
Hanover, Edward P. Storrs,
Frank A. Updike.
Haverhill, Edward M. Clark,
William E. Lawrence,
William F. Whitcher.
Hebron, Albert E. Moore.
Holderness, Robert P. Curry.
Landaff, Raymond B. Stevens.
Lebanon, William S. Carter,
William H. Hatton,
Reuben C. True,
Thomas P. Waterman.
Lincoln, George E. Henry.
Lisbon, George Conrad Brummer,
Eri C. Oakes.
Littleton, James H. Bailey,
Richard T. Eastman,
George A. Veazie.
Livermore, No election.
Lyman, Arthur N. Shute.
Lyme, David A. Grant.
Monroe, Daniel R. Gilchrist.
Orange, Charles H. Ford.
Orford, Robert O. Carr.
Piermont, Samuel H. Ames.
Plymouth, Davis B. Keniston,
Frederick P. Weeks.
Rumney, Henry W. Herbert.
Thornton, Frank L. Hazeltine.
Warren, Frank C. Clement.
Waterville, Clarence H. Green.
Wentworth, Calvin T. Shute.
Woodstock, George H. Green.

COOS COUNTY.

Berlin:
Ward 1, Henry A. Smith,
Patrick J. Smyth,
John T. Stewart.
Ward 2, Herbert I. Goss,
John B. Noyes,
Edmund Sullivan.
Ward 3, Johannes J. Haarvei,
Robert B. Wolf.
Carroll, Edward M. Sheehe.
Clarksville, Willis A. Harriman.
Colebrook, Jason H. Dudley,
Thomas F. Johnson.
Columbia, Frank P. Lang.
Dalton, Henry F. Whitcomb.
Dummer, Adam W. Wight.
Errol, Arthur E. Bennett.
Gorham, Alfred R. Evans.
Jefferson, Don C. Clough.
Lancaster, Fred C. Cleveland,
Irving W. Drew,
George F. Morris.
Milan, Frank M. Hancock.
Northumberland, Henry H. Hayes,
Judson A. Potter.
Pittsburg, George W. Baldwin.
Randolph, Arthur L. Watson.
Shelburne, James Simpson.
Stark, William T. Pike.
Stewartstown, Perley Knapp.
Stratford, John C. Pattee.
Whitefield, Mitchell H. Bowker,
Benjamin C. Garland.

PUBLIC STATUTES OF NEW HAMPSHIRE.

(Chase's edition, 1901.)

CHAPTER 22.

COUNCILOR DISTRICTS.

SECTION
1. Number and power of councilor districts.
2. Limits of district No. 1.
3. Limits of district No. 2.
4. Limits of district No. 3.
5. Limits of district No. 4.
6. Limits of district No. 5.

SECTION 1. The state is divided into five councilor districts, each of which may choose one councilor biennially.

SECT. 2. Councilor district number one contains the towns of Allenstown, Barnstead, Candia, Chichester, Deerfield, Epping, Epsom, Gilford, Gilmanton, Greenland, Laconia, Loudon, Newcastle, Newington, Newmarket, North Hampton, Northwood, Nottingham, Pittsfield, Portsmouth, Raymond, Rye, Stratham, and the county of Strafford.

SECT. 3. Councilor district number two contains the towns of Atkinson, Auburn, Bow, Brentwood, Chester, Danville, Derry, Dunbarton, East Kingston, Exeter, Fremont, Hampstead, Hampton, Hampton Falls, Hooksett, Hudson, Kensington, Kingston, Litchfield, Londonderry, Manchester, Newton, Pelham, Plaistow, Salem, Sandown, Seabrook, South Hampton, South Newmarket [Newfields], and Windham.

SECT 4. Councilor district number three contains the towns of Amherst, Antrim, Bedford, Bennington, Brookline, Deering, Francestown, Goffstown, Greenfield, Greenville, Hancock, Hollis, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, Nashua, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, Windsor, and the county of Cheshire.

SECT. 5. Councilor district number four contains the towns of Andover, Ashland, Belmont, Boscawen, Bradford, Bridgewater, Bristol, Canterbury, Concord, Danbury, Franklin, Hanover, Henniker, Hill, Hillsborough, Hopkinton, Lebanon, Lyme, Newbury, New Hampton, New London, Northfield, Orford, Pembroke, Salisbury, Sanbornton, Sutton, Tilton, Warner, Webster, Wilmot, and the county of Sullivan.

SECT. 6. Councilor district number five contains the towns of Alexandria, Alton, Bath, Benton, Bethlehem, Campton, Canaan, Center Harbor, Dorchester, Easton, Ellsworth, Enfield, Franconia, Grafton, Groton, Haverhill, Hebron, Holderness, Landaff, Lincoln, Lisbon, Littleton, Livermore, Lyman, Meredith, Monroe, Orange, Piermont, Plymouth, Rumney, Thornton, Warren, Waterville, Wentworth, Woodstock, and the counties of Carroll and Coös.

CHAPTER 23.

SENATORIAL DISTRICTS.

SECTION		SECTION	
1.	Number of senatorial districts.	14.	Limits of district No. 13.
2.	Limits of district No. 1.	15.	Limits of district No. 14.
3.	Limits of district No. 2.	16.	Limits of district No. 15.
4.	Limits of district No. 3.	17.	Limits of district No. 16.
5.	Limits of district No. 4.	18.	Limits of district No. 17.
6.	Limits of district No. 5.	19.	Limits of district No. 18.
7.	Limits of district No. 6.	20.	Limits of district No. 19.
8.	Limits of district No. 7.	21.	Limits of district No. 20.
9.	Limits of district No. 8.	22.	Limits of district No. 21.
10.	Limits of district No. 9.	23.	Limits of district No. 22.
11.	Limits of district No. 10.	24.	Limits of district No. 23.
12.	Limits of district No. 11.	25.	Limits of district No. 24.
13.	Limits of district No. 12.		

SECTION 1. The state is divided into twenty-four senatorial districts, each one of which may elect one Senator to the legislature biennially.

SECT. 2. Senatorial district number one contains Coös county.

SECT. 3. Senatorial district number two contains Bath, Benton, Bethlehem, Dorchester, Easton, Ellsworth, Franconia, Groton, Haverhill, Hebron, Landaff, Lincoln, Lisbon, Littleton, Liv-

ermore, Lyman, Monroe, Rumney, Thornton, Warren, Waterville, Wentworth, and Woodstock.

SECT. 4. Senatorial district number three contains Alexandria, Bristol, Canaan, Danbury, Enfield, Grafton, Hanover, Hill, Lebanon, Lyme, New London, Orange, Orford, Piermont, and Wilmot.

SECT. 5. Senatorial district number four contains Alton, Ashland, Belmont, Bridgewater, Campton, Center Harbor, Gilford, Gilmanton, Holderness [Laconia, ward 1], Moultonborough, New Hampton, Plymouth, Sandwich, Tuftonborough, and Wolfeborough.

SECT. 6. Senatorial district number five contains Albany, Barnstead, Bartlett, Brookfield, Chatham, Conway, Eaton, Effingham, Farmington, Freedom, Hart's Location, Jackson, Madison, Middleton, New Durham, Ossipee, Strafford, Tamworth, and Wakefield.

SECT. 7. Senatorial district number six contains Andover, Franklin, Laconia [wards 2, 3, 4,] Meredith, Northfield, Salisbury, Sanbornton, and Tilton.

SECT. 8. Senatorial district number seven contains Acworth, Charlestown, Claremont, Cornish, Croydon, Goshen, Grantham, Langdon, Lempster, Newport, Plainfield, Springfield, Sunapee, and Unity.

SECT. 9. Senatorial district number eight contains Alstead, Antrim, Bennington, Bradford, Deering, Francestown, Greenfield, Hancock, Lyndeborough, Marlow, Mont Vernon, New Boston, Newbury, Stoddard, Sutton, Walpole, Washington, Weare, and Windsor.

SECT. 10. Senatorial district number nine contains Boscawen, Bow, ward seven of Concord, Dunbarton, Goffstown, Henniker, Hillsborough, Hooksett, Hopkinton, Warner, and Webster.

SECT. 11. Senatorial district number ten contains wards two, four, five, six, and nine of Concord.

SECT. 12. Senatorial district number eleven contains Allenstown, Auburn, Candia, Canterbury, Chichester, wards one, three, and eight of Concord, Deerfield, Epsom, Loudon, Pembroke, Pittsfield, and Raymond.

SECT. 13. Senatorial district number twelve contains Barrington, Milton, Northwood, Nottingham, Rochester, and Somersworth.

SECT. 14. Senatorial district number thirteen contains Gilsum, Keene, Marlborough, Nelson, Roxbury, Sullivan, and Surry.

SECT. 15. Senatorial district number fourteen contains Chesterfield, Dublin, Fitzwilliam, Harrisville, Hinsdale, Jaffrey, Richmond, Rindge, Swanzey, Troy, Westmoreland, and Winchester.

SECT. 16. Senatorial district number fifteen contains Amherst,

Brookline, Greenville, Hollis, Mason, Milford, New Ipswich, Peterborough, Sharon, Temple, and Wilton.

SECT. 17. Senatorial district number sixteen contains wards one and two of Manchester.

SECT. 18. Senatorial district number seventeen contains wards three, four, and seven of Manchester.

SECT. 19. Senatorial district number eighteen contains wards five, six, eight, nine, and ten of Manchester.

SECT. 20. Senatorial district number nineteen contains Bedford, Derry, Litchfield, Londonderry, Merrimack, wards one, two, and three of Nashua, and Windham.

SECT. 21. Senatorial district number twenty contains Hudson, wards four, five, six, seven, eight, and nine of Nashua, Pelham, and Salem.

SECT. 22. Senatorial district number twenty-one contains Atkinson, Brentwood, Chester, Danville, East Kingston, Exeter, Fremont, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Newton, Plaistow, Sandown, Seabrook, South Hampton, and South Newmarket [Newfields].

SECT. 23. Senatorial district number twenty-two contains wards one, two, and three of Dover, Durham, Lee, Madbury, and Rollinsford.

SECT. 24. Senatorial district number twenty-three contains wards four and five of Dover, Epping, Greenland, Newington, Newmarket, North Hampton, ward three of Portsmouth, Rye, and Stratham.

SECT. 25. Senatorial district number twenty-four contains Newcastle and wards one, two, four [and five] of Portsmouth.

LAWS OF 1911.

CHAPTER 84.

AN ACT RELATING TO THE ELECTION OF REPRESENTATIVES TO THE GENERAL COURT.

SECTION	SECTION
1. Apportionment of Representatives.	3. Repealing clause; act takes effect on passage.
2. In towns of less than 600 population.	

Be it Enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Until another general census of the state is taken and officially promulgated, the following named towns and wards may send Representatives to the General Court under the authority of the constitution as follows: one Representative each for Alton, Barnstead, Belmont, Gilford, Gilmanton, Laconia, ward 1, Laconia, ward 3, Meredith, New Hampton, Sanbornton,

Bartlett, Moultonborough, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, Alstead, Chesterfield, Fitzwilliam, Harrisville, Hinsdale, Keene, ward 4, Keene, ward 5, Marlborough, Rindge, Swanzey, Troy, Westmoreland, Columbia, Jefferson, Milan, Pittsburg, Stewartstown, Stratford, Whitefield, Ashland, Bath, Bethlehem, Bristol, Campton, Canaan, Enfield, Grafton, Holderness, Lincoln, Lyme, Orford, Rumney, Warren, Woodstock, Amherst, Antrim, Bedford, Bennington, Francestown, Greenville, Hancock, Hollis, Hudson, Lyndeborough, Merrimack, Nashua, ward 4, Nashua, ward 6, New Boston, New Ipswich, Pelham, Weare, Wilton, Allenstown, Andover, Boscawen, Bow, Bradford, Canterbury, Chichester, Concord, ward 2, Concord, ward 3, Concord, ward 8, Epsom, Franklin, ward 1, Henniker, Hooksett, Hopkinton, Loudon, New London, Northfield, Sutton, Warner, Wilmot, Auburn, Brentwood, Candia, Chester, Deerfield, Epping, Fremont, Hampstead, Hampton, Kingston, Londonderry, Newcastle, Newton, North Hampton, Northwood, Nottingham, Plaistow, Portsmouth, ward 4, Portsmouth, ward 5, Raymond, Rye, Seabrook, Stratham, Windham, Barrington, Dover, ward 5, Durham, Milton, Rochester, ward 1, Rochester, ward 2, Rochester, ward 3, Rochester, ward 5, Somersworth, ward 1, Somersworth, ward 2, Somersworth, ward 3, Somersworth, ward 5, Strafford, Charlestown, Cornish, Plainfield, Sunapee.

Two Representatives each from Laconia, ward 2, Laconia, ward 4, Laconia, ward 5, Laconia, ward 6, Tilton, Wolfeboro, Jaffrey, Keene, ward 1, Keene, ward 2, Keene, ward 3, Walpole, Winchester, Colebrook, Gorham, Northumberland, Hanover, Lisbon, Plymouth, Goffstown, Hillsborough, Manchester, ward 7, Nashua, ward 1, Nashua, ward 2, Nashua, ward 5, Peterborough, Concord, ward 1, Concord, ward 5, Concord, ward 9, Franklin, ward 2, Franklin, ward 3, Pittsfield, Portsmouth, ward 1, Portsmouth, ward 3, Salem, Dover, ward 1, Dover, ward 3, Farmington, Rochester, ward 4, Rochester, ward 6, Rollinsford, Somersworth, ward 4.

Three Representatives each from Conway, Berlin, ward 1, Berlin, ward 3, Lancaster, Haverhill, Littleton, Manchester, ward 1, Milford, Nashua, ward 3, Nashua, ward 7, Nashua, ward 8, Concord, ward 4, Concord, ward 6, Concord, ward 7, Pembroke, Newmarket, Portsmouth, ward 2, Dover, ward 2, Dover, ward 4, Newport.

Four Representatives each from Berlin, ward 2, Nashua, ward 9, Derry, Exeter.

Five Representatives from Lebanon.

Six Representatives each from Manchester, ward 2, Manchester, ward 4, Manchester, ward 6, Manchester, ward 8, Manchester, ward 10, Claremont.

Seven Representatives from Manchester, ward 3.

Eight Representatives from Manchester, ward 5.
Nine Representatives from Manchester, ward 9.

SECT. 2. The following named towns, not having six hundred inhabitants according to the census of 1910, and having a right under the constitution to elect a Representative such proportional part of the time as the number of their inhabitants, according to said census, bears to six hundred, may elect one Representative in each of the years set opposite their names in the following list:

Effingham—in the years 1912, 1914, 1916, 1918, 1920.
Freedom—in the years 1912, 1914, 1916, 1918, 1920.
Dublin—in the years 1912, 1914, 1916, 1918, 1920.
Carroll—in the years 1912, 1914, 1916, 1918, 1920.
Alexandria—in the years 1912, 1914, 1916, 1918, 1920.
Piermont—in the years 1912, 1914, 1916, 1918, 1920.
Thornton—in the years 1912, 1914, 1916, 1918, 1920.
Wentworth—in the years 1912, 1914, 1916, 1918, 1920.
Greenfield—in the years 1912, 1914, 1916, 1918, 1920.
Danbury—in the years 1912, 1914, 1916, 1918, 1920.
Hill—in the years 1912, 1914, 1916, 1918, 1920.
Greenland—in the years 1912, 1914, 1916, 1918, 1920.
Hampton Falls—in the years 1912, 1914, 1916, 1918, 1920.
Center Harbor—in the years 1914, 1916, 1918, 1920.
Jackson—in the years 1912, 1916, 1918, 1920.
Madison—in the years 1912, 1914, 1916, 1918.
Gilsum—in the years 1914, 1916, 1918, 1920.
Marlow—in the years 1912, 1914, 1916, 1918.
Dalton—in the years 1912, 1916, 1918, 1920.
Stark—in the years 1912, 1914, 1916, 1920.
Franconia—in the years 1912, 1916, 1918, 1920.
Landaff—in the years 1912, 1914, 1918, 1920.
Monroe—in the years 1912, 1914, 1918, 1920.
Brookline—in the years 1912, 1914, 1916, 1920.
Dunbarton—in the years 1912, 1914, 1916, 1920.
Salisbury—in the years 1912, 1914, 1916, 1920.
Webster—in the years 1912, 1914, 1916, 1918.
Atkinson—in the years 1914, 1916, 1918, 1920.
Danville—in the years 1912, 1914, 1918, 1920.
Newfields—in the years 1912, 1914, 1918, 1920.
Lee—in the years 1914, 1916, 1918, 1920.
New Durham—in the years 1912, 1914, 1918, 1920.
Acworth—in the years 1912, 1916, 1918, 1920.
Springfield—in the years 1912, 1914, 1916, 1920.
Unity—in the years 1912, 1914, 1916, 1918.
Eaton—in the years 1912, 1916, 1920.
Richmond—in the years 1912, 1916, 1920.
Shelburne—in the years 1912, 1916, 1920.

Groton—in the years 1912, 1916, 1920.
Lyman—in the years 1912, 1916, 1920.
Deering—in the years 1912, 1916, 1920.
Mason—in the years 1912, 1916, 1920.
Mont Vernon—in the years 1912, 1916, 1920.
Newbury—in the years 1912, 1916, 1920.
East Kingston—in the years 1912, 1916, 1920.
Kensington—in the years 1912, 1916, 1920.
Sandown—in the years 1912, 1916, 1920.
Madbury—in the years 1912, 1916, 1920.
Croydon—in the years 1912, 1916, 1920.
Goshen—in the years 1912, 1916, 1920.
Langdon—in the years 1912, 1916, 1920.
Lempster—in the years 1912, 1916, 1920.
Washington—in the years 1912, 1916, 1920.
Albany—in the years 1914, 1918.
Brookfield—in the years 1914, 1918.
Chatham—in the years 1914, 1918.
Nelson—in the years 1914, 1918.
Stoddard—in the years 1914, 1918.
Sullivan—in the years 1914, 1918.
Surry—in the years 1914, 1918.
Clarksville—in the years 1914, 1918.
Dummer—in the years 1914, 1918.
Errol—in the years 1914, 1918.
Benton—in the years 1914, 1918.
Bridgewater—in the years 1914, 1918.
Dorchester—in the years 1914, 1918.
Easton—in the years 1914, 1918.
Hebron—in the years 1914, 1918.
Litchfield—in the years 1914, 1918.
Temple—in the years 1914, 1918.
Newington—in the years 1914, 1918.
South Hampton—in the years 1914, 1918.
Middleton—in the years 1914, 1918.
Grantham—in the years 1914, 1918.
Hart's Location—in the year 1920.
Roxbury—in the year 1914.
Randolph—in the year 1916.
Wentworth's Location—in the year 1918.
Ellsworth—in the year 1914.
Livermore—in the year 1920.
Orange—in the year 1916.
Waterville—in the year 1912.
Sharon—in the year 1912.
Windsor—in the year 1918.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Approved March 30, 1911.

POPULATION OF NEW HAMP

From the Thirteenth Census of the United States, Population

COUNTIES.	1910.	1900.	1890.	1880.	1870.	1860.
The State.....	430,572	411,588	376,530	346,991	318,300	326,073
Belknap	21,309	19,526	20,321	17,948	17,681	18,549
Carroll	16,316	16,896	18,124	18,224	17,332	20,465
Cheshire	30,659	31,321	29,579	28,734	27,265	27,434
Coos	30,753	29,468	23,211	18,580	14,932	13,161
Grafton	41,652	40,844	37,217	38,788	39,103	42,260
Hillsborough	126,072	112,640	93,247	75,634	64,238	62,140
Merrimack	53,335	52,430	49,435	46,300	42,151	41,408
Rockingham	52,188	51,118	49,650	49,064	47,297	50,122
Strafford	38,951	39,337	38,442	35,558	30,243	31,493
Sullivan	19,337	18,009	17,304	18,161	18,058	19,041

SHIRE BY COUNTIES, 1790-1910.

by Counties and Minor Civil Divisions. Bulletin, pp. 1-8.

1850.	1840.	1830.	1820.	1810.	1800.	1790.
317,976	284,574	269,328	244,161	214,460	183,858	141,885
17,721	.....	.....	.....	.....	.....	.....
20,157	.....	.....	.....	.....	.....	.....
30,144	26,429	27,016	45,376	40,988	38,825	28,772
11,853	9,849	8,388	5,549	3,991	.....	.....
42,343	42,311	38,682	32,989	28,462	23,093	13,472
57,478	42,494	37,724	53,884	49,249	43,899	32,871
40,337	36,253	34,614	.....	.....	.....	.....
49,194	45,771	44,325	55,246	50,175	45,427	43,169
29,374	61,127	58,910	51,117	41,595	32,614	23,601
19,875	20,340	19,669	.....	.....	.....	.....

POPULATION OF NEW HAMPSHIRE WITH THE TOTAL INCREASE, PERCENT. OF INCREASE, AND DENSITY AS SHOWN AT EACH CENSUS, 1790-1910.

From Thirteenth Census of the United States, Population by Counties and Minor Civil Divisions. Bulletin, pp. 1-8.

Census year.	Population.	Total increase.	Percent of increase.	Density to square mile.
1910	430,572	18,984	4.6	47.7
1900	411,588	35,058	9:3	45.7
1890	376,530	29,539	8.5	41.8
1880	346,991	28,691	9.0	38.5
1870	318,300	7,773*	2.4*	35.3
1860	326,073	8,097	2.5	36.2
1850	317,976	33,402	11.7	35.3
1840	284,574	15,246	5.7	31.6
1830	269,328	25,167	10.3	29.9
1820	244,161	29,701	13.8	27.1
1810	214,460	30,602	16.6	23.8
1800	183,858	41,973	29.6	20.4
1790	141,885	.....	....	15.8

* Decrease.

POPULATION OF CITIES AND TOWNS IN NEW HAMPSHIRE HAVING IN 1910 2,500 INHABITANTS OR MORE, AND OF ALL INCORPORATED VILLAGES, 1910, 1900, AND 1890.
(From Thirteenth Census of the United States, 1910. Population by Counties and Minor Civil Divisions 1910, 1900, and 1890. p. 334.)

CITIES.	County.	1910.	1900.	1890
Berlin	Coös	11,780	8,886	3,729
Concord	Merrimack	21,497	19,632	17,004
Dover	Strafford	13,247	13,207	12,790
Franklin	Merrimack	6,132	5,846	4,085
Keene	Cheshire	10,068	9,165	7,446
Laconia	Belknap	10,183	8,042	6,143
Manchester	Hillsborough	70,063	56,987	44,126
Nashua	Hillsborough	26,005	23,898	19,311
Portsmouth	Rockingham	11,269	10,637	9,827
Rochester	Strafford	8,868	8,466	7,396
Somersworth	Strafford	6,704	7,023	6,207
TOWNS.				
Claremont	Sullivan	7,529	6,498	5,565
Conway	Carroll	3,413	3,154	2,331
Derry	Rockingham	5,123	3,583	2,604
Exeter	Rockingham	4,897	4,922	4,284
Farmington	Strafford	2,621	2,265	3,064
Goffstown	Hillsborough	2,579	2,528	1,981
Haverhill	Grafton	3,498	3,414	2,545
Lancaster	Coös	3,054	3,190	3,373
Lebanon	Grafton	5,718	4,965	3,763
Littleton	Grafton	4,069	4,066	3,365
Milford	Hillsborough	3,939	3,739	3,014
Newmarket	Rockingham	3,348	2,892	2,742
Newport	Sullivan	3,765	3,126	2,628
Pembroke	Merrimack	3,062	3,183	3,172
Walpole	Cheshire	2,668	2,693	2,163
VILLAGES.				
Hanover[1]	Grafton	1,340	.....	.....
Littleton[2]	Grafton	3,059	.....	.....

[1] Part of Hanover town; incorporated as Hanover village precinct.
[2] Part of Littletown town.

POPULATION OF COUNCILOR DISTRICTS IN NEW HAMPSHIRE, 1910. COMPILED FROM THIRTEENTH CENSUS, 1910.

District No. 1	82,714
" 2	102,454
" 3	82,075
" 4	83,878
" 5	79,370

POPULATION OF SENATORIAL DISTRICTS IN NEW HAMPSHIRE, 1910. COMPILED FROM THIRTEENTH CENSUS, 1910, WITH THE VALUATION AND AMOUNT OF TAXES PAID IN 1911.

	Population, 1910.	Amount of Inventory, 1911.	Amount of taxes paid, 1911.
District No. 1	30,753	$17,549,553	$403,822.21
" 2	20,443	11,411,552	286,568.46
" 3	18,480	11,155,564	209,334.13
" 4	17,790	10,451,452	237,879.35
" 5	17,071	8,470,227	188,686.82
" 6	21,566	11,420,690	262,937.89
" 7	18,917	11,752,968	240.210 76
" 8	13,716	9,287,394	175,940 41
" 9	17,015	10,306,695	216,528.01
" 10	13,470	7,764,902	186,532.16
" 11	17,700	9,632,467	206,617.13
" 12	19,680	10,835,961	234,309.71
" 13	12,792	9,719,460	168,340.17
" 14	13,806	10,647,808	206,451.74
" 15	13,183	8,465,343	162,595.61
" 16	10,159		
" 17	17,915		
" 18	41,998		
" 19	18,030	4,975,837	227,656.06
" 20	21,978	2,486,399	294,886.91
" 21	17,183	9,388,629	169,491.03
" 22	11,740	9,236,340	174,765.44
" 23	15,417		
" 24	9,719		

The assessors of the cities of New Hampshire not being required to report the valuation and amount of taxes paid by the wards of its cities, these statistics are not available for 1911 for the two cities of Manchester and Portsmouth, nor those for the valuation of the different wards of Nashua. The total valuation and amount of taxes paid for 1911, therefore, cannot be stated for the senatorial districts Nos. 16, 17, and 18, among which the wards of Manchester are divided, nor for the districts Nos. 23 and 24, which embrace different wards of Portsmouth, nor the total valuation of districts Nos. 19 and 20, between which the wards of Nashua are divided.

POPULATION OF NEW HAMPSHIRE BY TOWNS.

POPULATION OF NEW HAMPSHIRE BY TOWNS AS SHOWN BY THE STATE CENSUS IN 1775 AND THE UNITED STATES CENSUSES 1790—1910, AND THE NUMBER OF REPRESENTATIVES OF EACH TOWN RETURNED TO THE GENERAL COURT IN 1784, AND AT EACH DECENNIAL PERIOD, 1791—1911.

(Compiled from Province Papers, United States Censuses, House Journals, New Hampshire Registers, and newspaper files.)

This table includes only existing towns. Each town is entered under the county to which it now belongs. If at the date of any census it belonged to another county this fact is indicated in the population column.

In the Representative column c stands for classed town and p for a town sending a Representative "a proportionate part of the time." A blank in this column signifies that in the given year the town failed to return a Representative.

ROCKINGHAM COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Atkinson	575	c	479	c	474	1	556	c	563	c	555	c
Auburn	....	..	....	..	....	..	....	..	....	..	....	...
Brentwood	1,100	1	976	1	899	1	905	1	892	1	891	1
Candia	744	1	1,040	1	1,186	1	1,290	1	1,273	1	1,362	1
Chester	1,599	1	1,902	..	2,046	1	2,030	1	2,262	2	2,039	2
Danville	504	c	420	c	389	c	412	c	421	c	528	c
Deerfield	929	1	1,619	1	1,878	1	1,851	1	2,133	1	2,086	2
Derry	....	..	....	..	....	..	....	..	....	..	2,178	2
East Kingston	428	c	358	c	392	c	442	c	443	c	442	c
Epping	1,569	1	1,233	1	1,121	1	1,182	1	1,158	1	1,263	1
Exeter	1,741	1	1,722	1	1,727	1	1,759	1	2,114	2	2,759	2
Fremont	552	c	493	c	408	c	462	1	453	..	429	1
Greenland	759	..	634	1	548	1	592	1	634	1	681	1
Hampstead	768	..	724	..	790	1	738	1	751	1	913	...
Hampton	862	1	853	1	875	1	990	1	1,098	1	1,103	1
Hampton Falls	645	c	541	c	519	c	570	c	572	1	583	1
Kensington	797	1	800	1	776	1	781	1	709	1	717	1
Kingston	961	1	906	1	785	1	746	1	847	1	929	1
Londonderry	2,590	2	2,622	1	2,650	2	2,766	2	3,127	2	1,469	1
Newcastle	449	c	534	..	524	..	592	1	932	1	850	1
Newfields	....	..	....	..	....	..	....	..	....	..	....	...
Newington	532	1	542	..	481	1	508	1	541	1	549	1
Newmarket	1,289	1	1,137	1	1,027	1	1,061	1	1,083	1	2,013	1
Newton	540	..	530	..	450	..	454	1	477	1	510	1
North Hampton	652	1	657	1	653	1	651	1	764	1	767	1
Northwood	313	..	744	c	950	1	1,095	1	1,260	1	1,342	1
Nottingham	999	1	1,068	1	964	..	1,063	1	1,120	..	1,157	1
Plaistow	575	c	521	c	459	..	424	c	492	c	591	c
Portsmouth	4,590	3	4,720	3	5,339	4	6,934	5	7,327	4	8,082	5
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Raymond	683	c	727	c	808	c	898	1	961	1	1,000	1
Rye	870	c	865	..	890	1	1,020	1	1,127	1	1,172	1
Salem	1,084	1	1,218	..	1,077	1	1,179	1	1,311	1	1,310	1
Sandown	459	c	561	c	501	c	504	c	527	c	553	c
Seabrook	607	c	715	c	628	c	774	c	885	1	1,095	1
South Hampton	498	c	448	c	387	c	427	c	416	c	487	c
Stratham	1,137	1	882	1	890	1	874	1	892	1	938	...
Windham	529	1	663	1	751	1	742	1	889	1	1,006	1

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
557	1	600	..	546	1	488	1	502	p	483	p	442	p	440	p
....	..	810	1	886	1	815	1	719	1	631	1	682	1	637	1
888	1	923	1	887	1	895	1	999	1	967	1	957	1	759	1
1,430	1	1,482	1	1,575	..	1,456	2	1,340	1	1,108	1	1,057	1	993	1
2,173	2	1,301	1	1,275	1	1,153	1	1,136	1	958	1	861	1	818	1
538	c	614	1	620	1	548	1	613	1	666	1	615	1	517	p
1,950	2	2,022	2	2,066	2	1,768	2	1,569	1	1,220	1	1,162	1	917	1
2,084	2	1,850	2	1,995	2	1,809	2	2,140	2	2,604	2	3,583	3	5,123	4
551	..	532	1	598	1	553	1	576	c	461	p	496	p	413	p
1,235	1	1,663	1	1,414	1	1,270	1	1,536	1	1,721	1	1,641	1	1,649	1
2,925	2	3,329	3	3,309	3	3,437	3	3,569	3	4,284	4	4,922	4	4,897	4
429	1	509	1	579	1	527	1	624	1	726	1	749	1	622	1
726	1	730	1	762	1	695	1	695	1	647	1	607	1	575	p
890	1	789	..	930	1	935	1	959	1	860	1	823	1	796	1
1,320	1	1,192	1	1,230	1	1,177	1	1,184	1	1,330	1	1,209	1	1,215	1
656	1	640	1	621	1	679	1	678	1	622	1	560	p	552	p
665	1	700	..	672	1	642	1	614	1	547	p	524	p	417	p
1,032	1	1,192	1	1,216	1	1,054	1	1,080	1	1,120	1	1,132	1	1,015	1
1,556	1	1,731	2	1,717	2	1,405	2	1,363	1	1,220	1	1,408	1	1,533	1
742	1	891	1	692	1	667	1	610	1	488	p	581	p	624	1
....	..	516	1	786	1	808	1	829	1	856	1	647	1	503	p
543	1	472	1	475	1	414	1	433	p	401	p	390	p	296	p
2,730	1	1,337	2	2,034	2	1,987	2	2,368	2	2,742	2	2,892	2	3,348	3
541	1	685	1	850	1	856	..	1,006	1	1,064	1	924	1	962	1
885	1	822	1	771	1	723	1	774	1	804	1	812	1	783	1
1,172	1	1,308	1	1,502	1	1,430	1	1,345	1	1,478	1	1,304	1	1,069	1
1,193	1	1,268	1	1,297	1	1,130	1	1,095	1	988	1	638	1	607	1
626	1	748	1	861	1	879	1	1,002	1	1,065	1	1,027	1	1,173	1
7,887	6	9,738	7	9,335	8	....	..	....	..	....	..	....	..	11,269	...
....	..	....	..	....	..	3,726	4	3,261	3	3,300	3	2,644	2	2,710	2
....	..	....	..	....	..	3,652	4	3,759	3	3,730	3	3,105	3	3,333	3
....	..	....	..	....	..	1,833	2	1,115	1	1,317	1	1,843	2	2,174	2
....	..	....	..	....	..	....	..	1,555	1	1,480	1	1,391	1	1,560	1
....	..	....	..	....	..	....	..	....	..	....	..	1,654	1	1,492	1
989	1	1,256	1	1,269	1	1,121	1	1,063	1	1,131	1	1,100	1	1,203	1
1,205	1	1,295	1	1,199	1	993	1	1,111	1	978	1	1,142	1	1,014	1
1,408	1	1,565	..	1,670	2	1,603	2	1,809	2	1,805	2	2,041	2	2,117	2
525	c	566	1	553	1	496	1	500	p	475	p	400	p	380	p
1,392	1	1,296	1	1,549	1	1,609	1	1,745	1	1,672	1	1,497	1	1,425	1
462	1	472	1	549	1	448	1	383	c	370	p	297	p	279	p
875	1	840	..	859	1	769	1	720	1	680	1	718	1	602	1
926	1	818	1	846	1	753	1	695	1	632	1	641	1	656	1

STRAFFORD COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Barrington	1,655	1	2,470	1	2,773	2	3,564	2	1,610	1	1,895	1
Dover	1,666	1	1,998	1	2,062	1	2,228	1	2,871	2	5,449	4
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Durham	1,214	1	1,247	..	1,126	1	1,449	1	1,538	1	1,606	1
Farmington	....	..	....	..	1,029	1	1,272	1	1,716	1	1,464	1
Lee	954	1	1,029	..	978	1	1,329	1	1,224	1	1,009	1
Madbury	677	..	592	..	544	1	582	1	559	1	510	1
Middleton	233	c	617	..	431	c	439	c	482	c	562	1
Milton	....	..	....	..	....	..	1,005	1	1,232	1	1,273	1
New Durham	286	c	554	c	742	c	888	1	1,168	1	1,162	1
Rochester	1,548	1	2,857	1	2,646	2	2,118	1	2,471	2	2,155	2
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Ward 6	....	..	....	..	....	..	....	..	....	..	....	...
Rollinsford	....	..	....	..	....	..	....	..	....	..	....	...
Somersworth	965	1	943	1	932	1	878	..	841	1	3,090	2
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Strafford	....	..	....	..	....	..	....	..	2,144	1	2,200	2

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
1,844	1	1,752	1	1,963	2	1,581	2	1,497	1	1,408	1	1,208	1	900	1
6,458	4	8,196	6	8,502	7	....	..	....	..	....	..	....	..	13,247	...
....	..	....	..	....	..	742	1	1,874	2	2,222	2	2,387	2	2,458	2
....	..	....	..	....	..	2,880	2	2,596	2	3,007	3	3,018	3	3,386	3
....	..	....	..	....	..	4,639	1	2,224	2	2,276	2	2,384	2	2,427	2
....	..	....	..	....	..	1,033	1	2,950	2	3,348	3	3,851	3	3,584	3
....	..	....	..	....	..	....	..	2,043	2	1,937	2	1,567	1	1,392	1
1,498	1	1,497	1	1,534	1	1,298	1	962	1	871	1	996	1	823	1
1,380	1	1,699	2	2,275	2	2,063	2	3,044	3	3,064	3	2,265	2	2,621	2
926	1	862	..	871	1	776	1	715	1	606	1	545	p	479	p
489	1	483	1	496	1	408	..	397	p	367	p	336	p	331	p
482	1	476	1	530	1	476	1	355	c	207	p	300	p	291	p
1,322	1	1,629	1	1,862	2	1,598	2	1,516	1	1,640	1	1,625	1	1,542	1
1,032	1	1,049	1	1,173	1	973	1	772	1	579	p	625	1	523	p
2,431	2	3,006	2	3,384	3	4,103	4	5,784	5	7,396	6	....	..	8,868	...
....	..	....	..	....	..	....	..	....	..	....	..	1,131	1	1,176	1
....	..	....	..	....	..	....	..	....	..	....	..	1,222	1	1,235	1
....	..	....	..	....	..	....	..	....	..	....	..	1,517	1	1,555	1
....	..	....	..	....	..	....	..	....	..	....	..	1,894	2	2,043	2
....	..	....	..	....	..	....	..	....	..	....	..	964	1	987	1
....	..	....	..	....	..	....	..	....	..	....	..	1,738	1	1,872	2
....	..	1,862	1	2,069	..	1,500	1	1,712	1	2,003	2	1,701	1	1,836	2
3,283	2	4,943	3	4,787	4	4,504	4	5,586	5	6,207	5	....	..	6,704	...
....	..	....	..	....	..	....	..	....	..	....	..	1,285	1	1,120	1
....	..	....	..	....	..	....	..	....	..	....	..	1,167	1	1,186	1
....	..	....	..	....	..	....	..	....	..	....	..	1,104	1	1,200	1
....	..	....	..	....	..	....	..	....	..	....	..	2,183	2	2,200	2
....	..	....	..	....	..	....	..	....	..	....	..	1,284	1	998	1
2,021	2	1,920	2	2,047	2	1,669	2	1,531	1	1,304	1	1,040	1	786	1

BELKNAP COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Alton	*100	c	*445	c	*721	c	*1,279	1	*2,058	1	*1,993	1
Barnstead	*252	c	*807	1	*1,161	1	*1,477	1	*1,805	1	*2,047	2
Belmont	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Center Harbor	....	..	.....	..	*263	c	*349	c	*486	c	*577	1
Gilford	....	..	.....	..	.....	..	.....	..	*1,816	1	*1,872	1
Gilmanton	*775	1	*2,613	1	*3,752	2	*4,338	2	*3,527	2	*3,816	3
Laconia	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 1	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 2	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 3	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 4	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 5	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Ward 6	....	..	.....	..	.....	..	.....	..	.....	..	.....	...
Meredith	*259	..	*881	c	*1,609	1	*1,940	1	*2,416	1	*2,683	2
New Hampton	....	..	*652	c	*1,095	c	*1,293	c	*1,500	c	*1,904	1
Sanbornton	*450	1	*1,587	1	*2,695	1	*2,884	2	*3,329	2	*2,866	2
Tilton	....	..	.....	..	.....	..	.....	..	.....	..	.....	...

*Strafford County.

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
*2,002	2	1,795	2	2,018	2	1,768	2	1,476	1	1,372	1	1,500	1	1,348	1
*1,945	2	1,848	2	1,885	2	1,543	2	1,296	1	1,264	1	1,072	1	1,081	1
....	..	....	..	1,189	1	1,165	1	1,226	1	1,142	1	1,294	1	1,390	1
*579	1	543	1	484	1	446	1	521	p	479	p	423	p	420	p
*2,072	2	2,425	2	2,811	3	3,361	3	2,821	2	3,585	3	661	1	744	1
*3,485	3	3,282	3	2,073	2	1,642	2	1,485	1	1,211	1	1,100	1	968	1
....	..	....	..	1,806	1	2,309	2	3,790	3	6,143	5	....	..	10,183	...
....	..	....	..	....	..	....	..	....	..	....	..	414	2	1,133	1
....	..	....	..	....	..	....	..	....	..	....	..	1,465	2	2,031	2
....	..	....	..	....	..	....	..	....	..	....	..	1,073	1	936	1
....	..	....	..	....	..	....	..	....	..	....	..	1,465	2	1,886	2
....	..	....	..	....	..	....	..	....	..	....	..	1,488	..	1,941	2
....	..	....	..	....	..	....	..	....	..	....	..	2,137	..	2,256	2
*3,351	3	3,521	3	1,944	2	1,807	2	1,800	2	1,642	1	1,713	1	1,638	1
*1,809	1	1,612	1	1,596	1	1,257	1	1,059	1	935	1	852	1	821	1
*2,745	3	2,695	3	2,743	2	1,236	1	1,192	1	1,027	1	944	1	850	1
....	..	....	..	....	..	1,147	1	1,282	1	1,521	1	1,926	2	1,866	2

*Strafford County.

CARROLL COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Albany	....	c	*141	c	*264	c	*194	c	*209	c	*325	c
Bartlett	....	..	†248	c	†548	c	†436	c	†511	c	†644	c
Brookfield	....	..	....	..	*504	c	*657	c	*690	c	*671	1
Chatham	....	..	†58	..	†183	..	†201	c	†298	c	*419	c
Conway	*273	c	*674	c	*705	c	*1,080	1	*1,365	1	*1,601	1
Eaton	....	c	*253	c	*381	c	*536	c	*1,071	1	*1,432	1
Effingham	*83	c	*154	..	*451	c	*876	c	*1,368	..	*1,911	1
Freedom	....	..	....	..	....	..	....	..	....	..	....	...
Hart's Location	....	..	....	..	....	..	†35	..	†65	..	†33	...
Jackson	....	..	....	..	†180	c	†244	c	†363	c	†515	c
Madison	....	..	....	..	....	..	....	..	....	..	....	...
Moultonborough	*272	c	*565	c	*857	c	*994	1	*1,279	1	*1,422	1
Ossipee	*26	c	*339	c	*804	c	*1,205	1	*1,793	1	*1,935	...
Sandwich	*245	c	*905	c	*1,413	..	*2,232	1	*2,368	2	*2,743	2
Tamworth	*151	c	*266	c	*757	c	*1,134	1	*1,442	1	*1,554	1
Tuftonborough	....	c	*109	c	*357	c	*709	1	*1,232	1	*1,375	1
Wakefield	*320	c	*646	..	*835	1	*1,166	1	*1,518	1	*1,470	1
Wolfeboro	*211	c	*447	c	*941	1	*1,376	1	*1,794	1	*1,928	1

*Strafford County.
†Coos County.

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
*406	c	455	1	430	..	339	1	361	c	377	p	210	p	289	p
†706	1	†761	1	736	1	629	1	‡1,044	1	1,247	1	1,013	1	1,197	1
*553	1	552	1	510	1	416	..	428	c	349	p	296	p	247	p
*523	c	516	1	489	1	445	1	421	p	329	p	267	p	209	p
*1,801	..	1,767	1	1,624	2	1,607	2	2,094	2	2,331	2	3,154	3	3,413	3
*1,710	1	1,743	1	780	1	657	1	629	1	514	p	365	p	380	p
*1,195	1	1,252	1	1,209	1	904	1	865	1	720	1	600	1	558	p
*926	1	910	1	917	1	737	1	714	1	630	1	594	p	542	p
†44	c	....	..	....	..	26	c	70	c	187	p	38	p	85	p
†584	c	†589	c	631	1	474	1	464	c	579	p	624	1	452	p
....	..	....	..	826	1	646	1	586	c	554	p	529	p	507	p
*1,752	..	1,748	1	1,448	1	1,299	1	1,254	1	1,034	1	901	1	783	1
*2,170	2	2,123	2	1,997	2	1,822	2	1,782	1	1,630	1	1,479	1	1,354	1
*2,625	2	2,577	2	2,227	2	1,854	2	1,701	1	1,303	1	1,077	1	928	1
*1,717	1	1,766	..	1,678	2	1,344	1	1,274	1	1,025	1	1,050	1	993	1
*1,281	1	1,305	1	1,186	1	949	1	923	1	767	1	663	1	612	1
*1,396	..	1,405	1	1,478	1	1,185	1	1,392	1	1,528	1	1,645	1	1,543	1
*1,918	2	2,038	2	2,300	2	1,995	2	2,222	2	3,020	3	2,390	2	2,224	2

*Strafford County.
†Coos County.
‡The returns for Hart's Location were given with Bartlett for 1880.

HILLSBOROUGH COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Amherst	1,428	1	2,369	1	1,470	1	1,554	1	1,622	1	1,657	1
Antrim	....	c	528	c	1,059	c	1,277	c	1,330	1	1,309	1
Bedford	495	c	898	1	1,182	1	1,296	1	1,375	1	1,554	1
Bennington	....	..	....	..	....	..	....	..	....	..	....	...
Brookline	....	c	338	..	454	..	538	1	592	1	627	1
Deering	....	c	928	c	1,244	1	1,363	1	1,415	1	1,227	1
Francestown	200	..	982	..	1,355	1	1,451	1	1,479	1	1,540	1
Goffstown	831	1	1,275	..	1,612	1	2,000	1	2,173	1	2,213	2
Greenfield	....	..	....	..	934	c	980	c	974	1	946	1
Greenville	....	..	....	..	....	..	....	..	....	..	....	...
Hancock	....	c	634	c	1,120	1	1,184	1	1,178	1	1,216	1
Hillsborough	....	c	798	c	1,311	1	1,592	1	1,982	1	1,792	1
Hollis	1,255	1	1,441	1	1,557	1	1,529	1	1,543	1	1,501	1
Hudson	649	1	1,064	..	1,267	1	1,376	1	1,227	1	1,282	1
Litchfield	284	..	357	..	372	..	382	c	465	1	505	1
Lyndeborough	713	1	1,280	1	976	1	1,074	1	1,168	1	1,147	1
Manchester	285	..	362	..	557	..	615	c	761	1	877	1
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Ward 6	....	..	....	..	....	..	....	..	....	..	....	...
Ward 7	....	..	....	..	....	..	....	..	....	..	....	...
Ward 8	....	..	....	..	....	..	....	..	....	..	....	...
Ward 9	....	..	....	..	....	..	....	..	....	..	....	...
Ward 10	....	..	....	..	....	..	....	..	....	..	....	...
Mason	501	c	922	..	1,179	1	1,077	1	1,313	1	1,403	1
Merrimack	606	c	819	..	926	1	1,048	1	1,162	1	1,191	1
Milford	....	..	....	..	939	c	1,117	1	1,243	1	1,303	1
Mont Vernon	....	..	....	..	680	..	762	1	729	..	763	1
Nashua	705	1	632	..	862	1	1,049	1	1,142	1	2,417	2
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Ward 6	....	..	....	..	....	..	....	..	....	..	....	...
Ward 7	....	..	....	..	....	..	....	..	....	..	....	...
Ward 8	....	..	....	..	....	..	....	..	....	..	....	...
Ward 9	....	..	....	..	....	..	....	..	....	..	....	...
New Boston	569	..	1,202	..	1,491	1	1,619	1	1,686	1	1,680	1
New Ipswich	960	1	1,241	1	1,266	..	1,395	1	1,278	1	1,673	1
Pelham	*749	1	*791	..	*918	1	*998	1	*1,040	1	1,075	1
Peterborough	546	c	861	c	1,333	1	1,537	1	1,500	1	1,984	1
Sharon	....	..	259	..	428	..	446	..	391	1	371	1
Temple	491	c	747	..	867	1	941	1	752	1	647	1
Weare	837	1	1,924	..	2,517	1	2,634	2	2,781	2	2,430	2
Wilton	623	1	1,105	1	1,010	1	1,017	1	1,070	1	1,041	1
Windsor	....	..	120	..	249	c	238	c	237	c	226	c

*Rockingham County.

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
1,565	1	1,613	1	1,508	1	1,353	1	1,225	1	1,053	1	1,231	1	1,060	1
1,225	1	1,143	1	1,123	1	904	1	1,172	1	1,248	1	1,366	1	1,235	1
1,556	1	1,905	2	1,172	1	1,221	1	1,204	1	1,102	1	1,148	1	1,110	1
....	..	541	1	450	1	401	1	443	p	542	p	667	1	690	1
652	1	718	1	756	1	741	1	698	1	548	p	505	1	501	p
1,124	1	890	1	793	1	722	1	674	1	531	p	486	p	353	p
1,307	1	1,114	1	1,082	1	932	1	937	1	837	1	693	1	602	1
2,376	2	2,270	2	1,740	2	1,656	2	1,699	1	1,981	2	2,528	2	2,579	2
834	1	716	1	692	1	527	1	649	1	607	1	605	1	574	p
....	..	....	..	....	..	....	..	1,072	1	1,255	1	1,608	1	1,374	1
1,345	1	1,012	1	844	1	692	1	689	1	637	1	642	1	642	1
1,807	2	1,685	2	1,623	2	1,595	2	1,646	1	2,120	2	2,254	2	2,168	2
1,333	1	1,293	1	1,317	1	1,079	1	1,077	1	1,000	1	910	1	935	1
1,148	1	1,312	1	1,222	1	1,066	1	1,045	1	1,092	1	1,261	1	1,344	1
480	1	447	1	352	1	345	1	291	p	252	p	243	p	255	p
1,032	1	968	1	823	1	820	1	818	1	657	1	686	1	660	1
3,235	3	13,932	10	....	..	....	..	....	..	....	..	....	..	70,063	...
....	..	....	..	3,364	2	4,084	2	2,692	2	3,858	3	3,625	3	3,508	3
....	..	....	..	2,504	2	2,460	2	2,421	2	3,488	3	5,501	5	6,642	6
....	..	....	..	3,192	3	4,296	4	6,200	5	7,132	6	7,320	6	8,427	7
....	..	....	..	3,442	3	4,073	3	5,981	5	6,837	6	6,922	6	7,624	6
....	..	....	..	3,200	2	3,170	3	6,845	6	7,551	6	9,094	8	9,993	8
....	..	....	..	2,863	2	3,253	..	3,283	3	4,665	4	4,880	4	6,663	6
....	..	....	..	1,031	1	1,660	1	2,417	2	2,194	2	1,757	1	1,864	2
....	..	....	..	511	1	540	1	2,791	2	8,401	7	5,508	5	7,353	6
....	..	....	..	....	..	....	..	....	..	....	..	7,986	7	10,831	9
....	..	....	..	....	..	....	..	....	..	....	..	4,394	4	7,158	6
1,275	1	1,626	1	1,559	1	1,364	..	645	1	629	1	459	p	325	p
1,114	1	1,250	1	1,119	1	1,066	..	1,042	1	961	1	1,234	1	1,039	1
1,455	1	2,159	2	2,223	2	2,606	2	2,398	2	3,014	3	3,739	3	3,939	3
720	1	722	1	725	1	601	1	517	p	479	p	453	p	413	p
6,054	4	5,820	4	10,065	10	....	..	....	..	....	..	....	..	26,005	...
....	..	....	..	....	..	1,163	1	1,415	1	2,020	2	2,384	2	2,678	2
....	..	....	..	....	..	1,376	1	1,361	1	1,823	2	2,274	2	2,149	2
....	..	....	..	....	..	767	1	1,376	1	2,464	2	3,476	3	3,487	3
....	..	....	..	....	..	718	1	1,205	1	1,438	1	1,570	1	1,517	1
....	..	....	..	....	..	1,884	2	1,730	1	1,653	1	1,651	1	1,932	2
....	..	....	..	....	..	2,494	2	3,527	3	5,138	4	1,440	1	1,549	1
....	..	....	..	....	..	1,204	1	1,456	1	2,604	2	3,477	3	3,687	3
....	..	....	..	....	..	937	1	1,327	1	2,171	2	3,082	3	3,920	3
....	..	....	..	....	..	....	..	....	..	....	..	4,544	4	5,086	4
1,569	1	1,477	1	1,369	1	1,241	1	1,144	1	1,067	1	1,002	1	982	1
1,578	11	1,877	2	1,701	2	1,380	1	1,222	1	969	1	911	1	927	1
1,003	1	1,071	1	944	1	861	1	848	1	791	1	875	1	826	1
2,163	2	2,222	1	2,265	2	2,236	2	2,206	2	2,507	2	2,527	2	2,277	2
251	1	226	1	250	..	182	1	203	p	137	p	122	p	71	p
576	1	579	1	501	1	421	1	402	p	342	p	313	p	284	p
2,375	2	2,435	2	2,310	2	2,092	2	1,829	2	1,550	1	1,553	1	1,325	1
1,033	1	1,161	1	1,369	1	1,974	2	1,747	1	1,850	2	1,696	1	1,490	1
177	c	172	1	136	1	81	1	65	..	62	p	38	p	24	p

MERRIMACK COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Allenstown	*149	..	*254	c	*315	c	*346	c	*433	1	481	1
Andover	†179	..	†645	..	†1,133	1	†1,259	1	†1,642	1	1,324	1
Boscawen	†585	..	†1,108	1	†1,414	1	†1,829	1	†2,113	1	2,093	2
Bow	*350	c	*568	..	*719	c	*729	c	*935	1	1,065	1
Bradford	....	..	†217	..	†740	c	†1,034	1	†1,318	1	1,285	1
Canterbury	*723	c	*1,038	1	*1,114	1	*1,526	1	*1,696	1	1,663	1
Chichester	*418	c	*491	c	*775	1	*951	1	*1,010	1	1,084	1
Concord	*1,052	1	*1,747	1	*2,052	1	*2,393	2	*2,838	2	3,727	3
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Ward 6	....	..	....	..	....	..	....	..	....	..	....	...
Ward 7	....	..	....	..	....	..	....	..	....	..	....	...
Ward 8	....	..	....	..	....	..	....	..	....	..	....	...
Ward 9	....	..	....	..	....	..	....	..	....	..	....	...
Danbury	....	..	‡111	..	‡165	c	‡345	c	‡467	c	‡786	1
Dunbarton	†497	c	†917	..	†1,222	1	†1,256	1	†1,450	1	1,067	1
Epsom	*387	..	*799	c	*1,034	1	*1,156	1	*1,336	1	1,418	1
Franklin	....	..	....	..	....	..	....	..	....	..	1,370	1
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Henniker	†367	c	†1,127	c	†1,476	1	†1,608	1	†1,900	1	1,725	1
Hill	‡196	c	‡312	c	‡615	c	‡895	1	‡971	1	‡1,090	1
Hooksett	....	..	....	..	....	..	....	..	....	..	880	1
Hopkinton	†1,085	1	†1,715	1	†2,015	1	†2,216	1	†2,487	2	2,474	2
Loudon	*349	1	*1,084	1	*1,279	1	*1,472	1	*1,694	1	1,642	1
Newbury	†130	c	†331	..	†526	c	†563	1	†874	1	798	1
New London	....	..	†311	..	†617	c	†692	1	†924	1	913	1
Northfield	....	c	*606	1	*925	1	*1,057	1	*1,304	1	1,169	1
Pembroke	*744	1	*956	..	*982	1	*1,153	1	*1,256	1	1,312	1
Pittsfield	....	c	*888	c	*987	1	*1,050	1	*1,178	1	1,271	1
Salisbury	†498	1	†1,372	2	†1,767	1	†1,913	1	†2,016	1	1,379	1
Sutton	....	c	†520	..	†878	c	†1,328	1	†1,573	1	1,424	1
Warner	†262	c	†863	1	†1,569	1	†1,838	1	†2,246	1	2,221	2
Webster	....	..	....	..	....	..	....	..	....	..	....	...
Wilmot	....	..	....	..	....	..	†298	c	†670	1	834	1

*Rockingham County. †Hillsborough County. ‡Grafton County.

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
455	1	526	1	414	1	804	1	1,707	1	1,475	1	1,496	1	1,457	1
1,168	1	1,220	1	1,243	1	1,206	1	1,204	1	1,090	1	1,179	1	1,201	1
1,965	2	2,063	2	2,274	1	1,637	1	1,381	1	1,487	1	1,455	1	1,240	1
1,001	1	1,055	1	909	1	745	1	734	1	725	1	617	1	676	1
1,331	1	1,341	1	1,180	1	1,081	1	950	1	810	1	805	1	695	1
1,643	1	1,614	1	1,522	1	1,169	1	1,033	1	964	1	821	1	680	1
1,028	1	997	1	1,041	1	871	..	784	1	661	1	598	p	606	1
4,897	4	8,576	1	10,896	10	....	..	....	..	....	..	....	..	21,497	...
....	..	....	..	....	..	1,439	1	1,521	1	1,848	2	1,911	2	1,964	2
....	..	....	..	....	..	829	1	762	1	853	1	753	1	683	1
....	..	....	..	....	..	717	1	883	1	1,025	1	1,043	1	1,138	1
....	..	....	..	....	..	2,859	3	3,490	3	4,874	4	3,644	3	3,843	3
....	..	....	..	....	..	2,232	2	2,436	2	2,567	2	2,609	2	2,612	2
....	..	....	..	....	..	2,726	2	3,130	3	3,504	3	3,390	3	4,195	3
....	..	....	..	....	..	1,439	1	1,621	1	2,333	2	3,178	3	3,667	3
....	..	....	..	....	..	....	..	....	..	....	..	1,212	1	1,268	1
....	..	....	..	....	..	....	..	....	..	....	..	1,892	2	2,137	2
*800	1	*934	1	*947	1	*796	1	760	1	683	1	654	1	592	p
950	1	915	1	901	1	778	1	708	1	524	p	551	p	513	p
1,206	1	1,366	1	1,216	1	993	1	909	1	815	1	771	1	725	1
1,280	1	1,251	1	1,600	2	2,301	3	3,265	3	4,085	3	....	..	6,132	...
....	..	....	..	....	..	....	..	....	..	....	..	1,572	1	1,429	1
....	..	....	..	....	..	....	..	....	..	....	..	2,365	2	2,654	2
....	..	....	..	....	..	....	..	....	..	....	..	1,909	2	2,049	2
1,715	1	1,698	2	1,500	2	1,288	1	1,326	1	1,385	1	1,507	1	1,395	1
*999	1	*954	1	*918	1	620	1	667	1	548	p	603	1	556	p
1,175	1	1,503	..	1,267	1	1,330	1	1,766	1	1,893	2	1,665	1	1,528	1
2,455	2	2,169	2	2,178	..	1,814	2	1,836	2	1,817	2	1,652	1	1,578	1
1,640	1	1,552	2	1,638	2	1,282	2	1,221	1	1,000	1	960	1	838	1
816	1	738	1	698	1	601	1	590	p	487	p	424	p	402	p
1,019	1	945	1	952	1	959	1	875	1	799	1	768	1	805	1
1,413	1	1,332	1	1,051	1	833	1	918	1	1,115	1	1,227	1	1,474	1
1,336	1	1,733	1	1,313	1	2,518	2	2,797	2	3,172	3	3,183	3	3,062	3
1,719	..	1,828	2	1,838	1	1,600	2	1,974	2	2,605	2	2,129	2	2,222	2
1,329	1	1,228	1	1,191	1	897	1	795	1	655	1	604	1	478	p
1,362	1	1,387	1	1,481	1	1,155	1	993	1	849	1	776	1	698	1
2,139	2	2,088	2	1,970	2	1,667	2	1,537	1	1,383	1	1,358	1	1,226	1
....	..	....	..	....	1	689	1	647	1	564	p	496	p	445	p
1,212	1	1,272	1	1,195	1	1,072	1	1,080	1	840	1	653	1	614	1

*Grafton County.

CHESHIRE COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Alstead	317	1	1,111	1	1,666	1	1,694	1	1,611	1	1,559	1
Chesterfield	874	1	1,905	1	2,161	1	1,839	1	2,110	1	2,046	1
Dublin	305	c	901	c	1,188	1	1,184	1	1,260	1	1,218	1
Fitzwilliam	....	c	1,038	1	1,240	1	1,301	1	1,167	1	1,229	1
Gilsum	178	c	298	c	484	c	513	c	601	c	642	1
Harrisville	....	..	....	..	....	..	....	..	..	..	....	...
Hinsdale	....	..	522	..	634	1	740	1	890	1	937	1
Jaffrey	351	1	1,235	1	1,341	1	1,336	1	1,339	1	1,354	1
Keene	756	1	1,314	1	1,645	1	1,646	1	1,895	1	2,374	2
Ward 1	....	..	....	..	....	..	....	..	....	..	....	...
Ward 2	....	..	....	..	....	..	....	..	....	..	....	...
Ward 3	....	..	....	..	....	..	....	..	....	..	....	...
Ward 4	....	..	....	..	....	..	....	..	....	..	....	...
Ward 5	....	..	....	..	....	..	....	..	....	..	....	...
Marlborough	322	c	786	..	1,185	1	1,142	1	766	1	822	1
Marlow	207	c	313	c	543	c	566	1	597	1	645	1
Nelson	186	c	721	c	977	1	1,076	1	907	1	875	1
Richmond	864	1	1,380	..	1,390	1	1,290	1	1,391	1	1,301	1
Rindge	542	..	1,143	1	1,196	1	1,226	1	1,298	1	1,269	1
Roxbury	....	..	....	..	....	..	....	..	366	1	322	1
Stoddard	224	c	701	c	1,148	1	1,132	1	1,208	1	1,159	1
Sullivan	....	..	220	c	488	1	516	1	582	1	555	1
Surry	215	c	448	c	569	c	564	c	570	c	539	1
Swanzey	647	1	1,157	1	1,271	1	1,400	1	1,716	1	1,816	1
Troy	....	..	....	..	....	..	....	..	676	1	676	1
Walpole	658	..	1,245	1	1,743	1	1,894	1	2,020	1	1,979	1
Westmoreland	758	1	2,018	1	2,066	1	1,937	1	2,029	1	1,647	1
Winchester	1,238	1	1,209	1	1,413	1	1,478	1	1,849	1	2,052	1

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
1,454	1	1,426	1	1,318	1	1,213	1	1,087	1	870	1	799	1	711	1
1,765	2	1,680	1	1,434	1	1,229	1	1,173	1	1,046	1	981	1	770	1
1,075	1	1,088	1	1,096	1	930	1	456	p	582	p	620	1	571	p
1,366	1	1,482	1	1,294	1	1,140	1	1,187	1	1,122	1	987	1	1,148	1
656	1	668	1	676	1	590	1	663	1	643	1	590	p	470	p
....	..	....	..	....	..	....	1	870	1	748	1	791	1	623	1
1,141	..	1,903	1	1,312	1	1,342	1	1,868	2	2,258	2	1,933	2	1,673	1
1,411	1	1,497	1	1,453	1	1,256	1	1,267	1	1,469	1	1,891	2	1,895	2
2,610	2	3,392	3	4,320	4	5,971	6	....	..	....	..	....	..	10,068	...
....	..	....	..	....	..	....	..	1,732	1	1,811	2	2,488	2	2,898	2
....	..	....	..	....	..	....	..	1,091	1	1,384	1	1,896	2	1,971	2
....	..	....	..	....	..	....	..	1,479	1	1,671	1	1,926	2	1,974	2
....	..	....	..	....	..	....	..	1,165	1	1,215	1	1,384	1	1,520	1
....	..	....	..	....	..	....	..	1,317	1	1,365	1	1,471	1	1,699	1
831	1	887	1	915	1	1,017	1	1,286	1	1,695	1	1,524	1	1,478	1
626	1	708	1	813	1	716	1	701	1	584	p	488	p	425	p
835	1	760	1	699	1	744	1	438	c	332	p	295	p	231	p
1,165	1	1,128	1	1,015	1	868	1	669	1	476	p	459	p	393	p
1,161	1	1,274	1	1,231	1	1,107	1	934	1	996	1	855	1	706	1
286	1	260	1	212	1	174	1	126	c	129	p	100	p	66	p
1,006	1	1,105	1	944	1	667	1	553	c	400	p	367	p	257	p
496	1	468	1	376	1	347	1	382	c	337	p	287	p	266	p
481	1	556	1	389	..	318	1	326	c	270	p	250	p	213	p
1,755	1	2,106	2	1,798	2	1,626	2	1,661	1	1,600	1	1,570	1	1,656	1
633	1	759	1	761	1	767	1	796	1	999	1	1,527	1	1,331	1
2,015	2	2,084	2	1,868	2	1,830	2	2,018	2	2,163	2	2,693	2	2,668	2
1,546	..	1,678	1	1,285	1	1,256	1	1,095	1	830	1	875	1	758	1
2,065	2	3,296	2	2,225	2	2,097	2	2.444	2	2.584	2	2.274	2	2,282	2

SULLIVAN COUNTY.	1775	1784	1790	1791	1800	1801	1810	1811	1820	1821	1830	1831
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Acworth	....	c	†704	c	†1,376	1	†1,523	1	†1,479	1	1,401	1
Charlestown	†594	1	†1,093	1	†1,364	c	†1,501	1	†1,702	1	1,773	1
Claremont	†523	1	†1,435	1	†1,889	1	†2,094	1	†2,390	2	2,526	2
Cornish	†309	c	†982	..	†1,268	1	†1,606	1	†1,701	1	1,687	1
Croydon	†143	c	†537	..	†984	1	†862	1	†1,060	1	1,057	1
Goshen	....	..	....	..	†383	c	†563	c	†687	c	772	1
Grantham	†74	c	†333	c	†713	c	†864	1	†1,032	1	1,079	1
Langdon	....	..	†244	..	†484	c	†632	1	†654	1	667	1
Lempster	†128	c	†415	c	†729	c	†854	1	†950	1	999	1
Newport	†157	c	†780	..	†1,266	1	†1,427	1	†1,679	1	1,913	2
Plainfield	†308	..	†1,024	1	†1,435	1	†1,463	1	†1,460	1	1,581	1
Springfield	....	..	†210	c	†570	c	†814	1	†967	1	1,202	1
Sunapee	†65	..	†267	..	†355	c	†447	c	†603	c	637	1
Unity	†146	..	†538	..	†902	1	†1,044	1	†1,277	1	1,258	1
Washington	†163	c	†545	c	†819	1	†820	1	†992	1	1,135	1

†Cheshire County.

1840		1841	1850		1851	1860		1861	1870		1871	1880		1881	1890		1891	1900		1901	1910		1911
Population.		Representatives.	Population.		Representatives.	Population.		Representatives.	Population.		Representatives.	Population.		Representatives.	Population.		Representatives.	Population.		Representatives.	Population.		Representatives.
1,450		1	1,251		1	1,180		1	1,050		1	982		1	717		1	594		p	536		p
1,722		1	1,644		2	1,758		2	1,741		2	1,587		1	1,466		1	1,473		1	1,496		1
3,217		3	3,606		3	4,026		4	4,053		4	4,704		4	5,565		5	6,498		5	7,529		6
1,726		1	1,606		1	1,520		1	1,334		1	1,156		1	954		1	962		1	1,005		1
956		1	861		1	756		1	652		1	608		1	512		p	372		p	324		p
779		1	659		1	576		1	507		..	511		p	384		p	345		p	329		p
1,036		1	784		1	648		1	608		1	540		p	424		p	374		p	286		p
615		1	575		1	478		1	411		1	364		p	305		p	339		p	340		p
941		..	906		1	320		1	678		1	602		1	519		p	391		p	383		p
1,958		1	2,020		2	2,077		2	2,163		2	2,612		2	2,623		2	3,126		3	3,765		3
1,552		1	1,392		1	1,620		2	1,589		1	1,372		1	1,173		1	1,114		1	987		1
1,252		1	1,270		1	1,021		..	781		1	732		1	540		p	439		p	422		p
795		1	787		1	778		1	808		1	895		1	900		1	946		1	1,071		1
1,238		1	961		1	887		1	844		1	814		1	658		1	572		p	504		p
1,103		1	1,053		1	897		1	839		1	682		1	569		p	464		p	360		p

GRAFTON COUNTY.	1775		1784		1790		1791		1800		1801		1810		1811		1820		1821		1830		1831	
	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
Alexandria	137	c	298	c	303	c	409	c	707	c	1,063	1												
Ashland	....	..	....	..	....	..	....	..	....	..	....	..	....	..	....	..	....	..	....	..	....	..	....	...
Bath	144	c	493	c	825	1	1,316	1	1,498	1	1,626	1												
Benton	....	c	88	c	69	c	162	c	315	c	441	1												
Bethlehem	....	..	....	..	171	c	422	..	467	c	665	1												
Bridgewater	....	..	281	c	664	c	1,104	1	727	1	788	1												
Bristol	....	..	....	..	....	..	....	..	675	1	799	1												
Campton	190	c	395	..	635	c	873	1	1,047	1	1,313	1												
Canaan	67	c	483	c	835	1	1,094	1	1,198	1	1,428	1												
Dorchester	....	c	175	..	349	c	537	c	584	c	702	1												
Easton	....	..	....	..	....	..	....	..	....	..	....	...												
Ellsworth	....	..	....	..	47	c	142	c	213	c	234	c												
Enfield	50	c	724	c	1,121	1	1,291	1	1,370	..	1,492	1												
Franconia	29	c	72	..	129	c	358	c	373	c	443	c												
Grafton	....	c	403	c	632	c	931	1	1,094	1	1,207	1												
Groton	118	c	373	c	391	c	549	c	688	c	689	1												
Hanover	434	1	1,380	1	1,912	1	2,135	1	2,222	2	2,361	2												
Haverhill	365	c	552	c	805	c	1,105	1	1,609	1	2,153	2												
Hebron	....	..	....	..	281	c	563	c	572	c	538	1												
Holderness	172	c	329	..	531	c	835	1	1,160	1	1,429	1												
Landaff	40	..	292	c	461	c	650	c	769	1	951	1												
Lebanon	347	1	1,180	1	1,574	1	1,808	1	1,710	1	1,868	2												
Lincoln	....	..	22	..	41	c	100	c	32	c	50	c												
Lisbon	47	c	313	c	663	c	1,126	1	1,126	1	1,485	1												
Littleton	....	c	96	c	381	c	873	1	1,096	1	1,435	1												
Livermore	....	..	....	..	....	..	....	..	....	..	....	...												
Lyman	....	c	202	c	533	c	948	1	1,270	1	1,321	1												
Lyme	252	c	816	..	1,318	1	1,670	1	1,824	1	1,804	2												
Monroe	....	..	....	..	....	..	....	..	....	..	....	...												
Orange	....	c	131	c	208	c	229	c	298	c	405	1												
Orford	222	c	540	c	988	1	1,265	1	1,568	1	1,829	1												
Piermont	168	c	426	c	670	c	877	1	1,016	1	1,042	1												
Plymouth	382	c	625	c	743	1	937	1	983	1	1,175	1												
Rumney	237	c	411	c	624	c	765	c	864	1	993	1												
Thornton	117	c	385	..	535	c	794	c	857	1	1,049	1												
Warren	....	c	206	c	336	c	506	c	544	c	702	1												
Waterville	....	..	....	..	....	..	....	..	....	..	69	...												
Wentworth	....	c	241	c	488	c	645	c	807	1	924	1												
Woodstock	....	..	....	..	83	c	203	c	224	c	291	c												

1840	1841	1850	1851	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
1,284	1	1,273	1	1,253	1	876	1	828	1	679	1	680	1	571	p
....	..	....	..	....	..	885	1	960	1	1,193	1	1,289	1	1,412	1
1,595	1	1,574	1	1,366	1	1,168	1	1,032	1	935	d	1,006	1	978	1
413	1	478	1	459	1	375	1	378	p	244	p	209	p	219	p
779	1	950	1	896	1	998	1	1,400	1	1,267	1	1,261	1	1,201	1
747	1	667	1	560	1	453	1	384	c	332	p	244	p	187	p
1,153	1	1,108	1	1,124	1	1,416	1	1,352	1	1,524	1	1,600	1	1,478	1
1,513	1	1,439	1	1,320	1	1,226	1	1,163	1	982	1	999	1	846	1
1,576	1	1,682	2	1,762	2	1,877	2	1,762	1	1,417	1	1,444	1	1,408	1
769	1	711	1	691	1	689	1	585	c	379	p	308	p	241	p
....	..	....	..	....	..	....	..	302	c	248	p	249	p	226	p
300	c	320	c	302	c	193	c	209	c	150	p	107	p	46	p
1,514	1	1,742	2	1,876	2	1,662	2	1,680	1	1,439	1	1,845	2	1,448	1
523	c	584	1	708	1	549	1	550	c	594	p	655	1	504	p
1,201	1	1,259	1	1,150	1	907	1	934	1	787	1	748	1	641	1
870	1	776	1	778	1	583	1	566	c	464	p	346	p	319	p
2,613	2	2,350	2	2,308	2	2,085	2	2,147	2	1,817	2	1,884	2	2,075	2
2,784	2	2,405	2	2,291	2	2,271	2	2,455	2	2,545	2	3,414	3	3,498	3
508	1	565	1	475	1	382	1	329	c	245	p	214	p	213	p
1,528	1	1,744	2	1,765	2	793	1	703	1	595	p	662	1	652	1
957	1	948	1	1,012	1	882	1	506	c	499	p	500	p	526	p
1,754	2	2,136	2	2,322	2	3,094	3	3,364	3	3,763	3	4,965	4	5,718	5
76	c	57	c	71	c	71	c	65	c	110	p	541	p	1,278	1
1,682	1	1,881	1	1,886	2	1,844	2	1,907	2	2,060	2	2,221	2	2,460	2
1,778	2	2,008	2	2,292	2	2,446	3	2,936	2	3,365	3	4,066	3	4,069	3
....	..	....	..	....	..	....	..	103	c	155	p	191	p	64	p
1,480	1	1,442	1	743	1	658	..	654	1	543	p	426	p	374	p
1,785	1	1,617	1	1,572	2	1,358	1	1,313	1	1,154	1	1,080	1	1,007	1
....	..	....	..	619	1	532	1	504	p	478	p	545	p	429	p
463	1	451	1	382	1	340	1	335	p	245	p	213	p	176	p
1,707	1	1,406	1	1,255	1	1,119	1	1,060	1	916	1	890	1	799	1
1,057	1	948	1	949	1	792	1	752	1	709	1	637	1	592	p
1,281	1	1,290	1	1,407	1	1,409	1	1,719	1	1,852	2	1,972	2	2,200	2
1,110	1	1,109	1	1,103	1	1,165	..	1,050	1	947	1	837	1	850	1
1,045	1	1,011	1	967	1	840	1	775	1	632	1	552	p	553	p
938	1	872	1	1,152	1	960	1	786	1	875	1	799	1	701	1
63	..	42	c	48	c	33	c	54	c	39	..	50	p	16	p
1,119	1	1,197	1	1,055	1	971	1	939	1	698	1	617	1	595	p
472	c	418	c	476	c	405	c	367	c	341	p	628	1	1,083	1

COOS COUNTY.	775		1784		1790		1791		1800		1801		1810		1811		1820		1821		1830		1831	
	Population.		Representatives.		Population.		Representatives.		Population.		Representatives.		Population.		Representatives.		Population.		Representatives.		Population.		Representatives.	
Berlin	....		..		....		..		....		..		....		..		....		..		73		c	
Ward 1	....		..		....		..		....		..		....		..		....		..		....		...	
Ward 2	....		..		....		..		....		..		....		..		....		..		....		...	
Ward 3	....		..		....		..		....		..		....		..		....		..		....		...	
Carroll	....		..		....		..		18		..		12		c		19		..		108		c	
Clarksville	....		..		....		..		....		..		....		..		....		..		....		...	
Colebrook	*4		c		29		c		160		c		325		c		470		c		532		c	
Columbia	*14		c		26		c		109		c		142		c		281		c		442		c	
Dalton	*50		..		14		c		62		c		235		..		347		c		532		1	
Dummer	....		..		....		..		....		..		7		..		42		..		65		c	
Errol	....		..		....		..		....		..		38		..		26		..		82		c	
Gorham	....		..		35		..		45		..		176		..		295		..		111		c	
Jefferson	4		c		....		c		112		c		197		c		252		c		495		c	
Lancaster	*61		c		161		c		440		c		717		c		844		1		1,187		1	
Milan	....		..		....		..		....		..		14		..		57		..		243		c	
Millsfield	....		..		....		..		....		..		....		..		....		..		33		c	
Northumberland	*57		c		117		c		205		c		281		c		296		c		342		c	
Pittsburg	....		..		....		..		....		..		....		..		....		..		301		...	
Randolph	....		..		....		..		....		..		62		..		78		..		143		c	
Shelburne	....		..		....		..		....		c		....		c		....		c		312		c	
Stark	....		..		48		c		140		c		211		c		218		..		236		c	
Stewartstown	....		..		....		..		99		c		186		c		363		c		529		c	
Stratford	*41		c		146		c		281		c		339		c		335		..		443		c	
Wentworth's Location	....		..		....		..		....		..		....		..		....		..		36		...	
Whitefield	....		..		....		..		....		..		51		..		281		..		685		1	

*Grafton County.

1840	1841	1850	18.1	1860	1861	1870	1871	1880	1881	1890	1891	1900	1901	1910	1911
Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.	Population.	Representatives.
116	c	173	c	433	c	529	c	1,144	1	3,729	3	....	..	11,780	...
....	..	....	..	....	..	....	..	....	..	....	..	3,076	3	4,033	3
....	..	....	..	....	..	....	..	....	..	....	..	3,324	3	4,597	4
....	..	....	..	....	..	....	..	....	..	....	..	2,486	2	3,150	3
218	c	296	c	276	c	378	c	632	1	813	1	710	1	569	p
88	c	187	c	249	c	269	1	328	c	325	p	307	p	271	p
743	1	908	1	1,118	1	1,372	1	1,580	1	1,736	1	1,876	2	1,905	2
620	1	762	1	798	1	752	1	762	1	605	1	690	1	619	1
664	1	751	1	666	1	773	1	570	p	596	p	592	p	475	p
57	c	171	c	289	c	317	c	464	c	455	p	349	p	292	p
104	c	138	c	178	c	178	c	161	c	178	p	305	p	211	p
156	c	224	c	907	1	1,167	1	1,383	1	1,710	1	1,797	1	2,155	2
575	c	629	1	700	1	826	1	951	1	1,062	1	1,080	1	1,061	1
1,316	1	1,559	..	2,020	..	2,248	2	2,721	2	3,373	3	3,190	3	3,054	3
386	c	493	c	789	1	710	1	895	1	1,029	1	1,135	1	924	1
12	c	....	c	....	..	28	..	62	c	62	p	41	..	12	...
399	c	429	c	736	1	955	1	1,062	1	1,356	1	1,977	2	2,184	2
315	c	425	c	413	c	400	1	581	c	669	1	687	1	624	1
115	c	113	c	118	c	138	c	203	c	137	p	137	p	137	p
350	c	480	c	318	c	259	1	252	c	336	p	283	p	305	p
349	c	418	c	426	c	464	c	690	1	703	1	733	1	448	p
630	1	747	1	771	1	909	1	958	1	1,002	1	1,150	1	1,128	1
441	c	552	c	716	1	886	1	1,016	1	1,128	1	968	1	844	1
25	..	....	..	....	..	38	..	55	c	25	..	61	..	51	p
751	1	857	1	1,015	1	1,196	1	1,828	2	2,041	2	2,157	2	1,635	1

NUMBER OF REPRESENTATIVES RETURNED TO THE GENERAL COURT OF NEW HAMPSHIRE FOR EACH YEAR, 1784-1913.

(Compiled from Journals of the House, State Papers, New Hampshire Registers, and files of newspapers.)

Year.	No.	Year.	No.	Year.	No.	Year.	No.
1784-5	91	1810-11	180	1840-1	253	1870-1	335
1785-6	94	1811-12	175	1841-2	249	1871-2	329
1786-7	89	1812-13	179	1842-3	239	1872-3	361
1787-8	67	1813-14	184	1843-4	243	1873-4	356
1788-9	83	1814-15	179	1844-5	246	1874-5	356
1789-90	72	1815-16	189	1845-6	247	1875-6	373
		1816-17	190	1846-7	261	1876-7	391
		1817-18	194	1847-8	286	1877-8	361
		1818-19	193	1848-9	282	1878-9	370
		1819-20	192	1849-50	274	1879-81	280
1790-1	86	1820-1	197	1850-1	288	1881-3	309
1791-2	88	1821-2	192	1851-2	282	1883-5	313
1792-3	96	1822-3	199	1852-3	291	1885-7	308
1793-4	109	1823-4	201	1853-4	269	1887-9	306
1794-5	124	1824-5	209	1854-5	311	1889-91	313
1795-6	132	1825-6	210	1855-6	313		
1796-7	132	1826-7	212	1856-7	314		
1797-8	136	1827-8	216	1857-8	318		
1798-9	137	1828-9	221	1858-9	316		
1799-1800	138	1829-30	226	1859-60	305		
1800-1	150	1830-1	223	1860-1	327	1891-3	352
1801-2	147	1831-2	230	1861-2	319	1893-5	359
1802-3	153	1832-3	228	1862-3	321	1895-7	363
1803-4	154	1833-4	227	1863-4	329	1897-9	357
1804-5	159	1834-5	203	1864-5	331	1899-1901	359
1805-6	162	1835-6	226	1865-6	328	1901-1903	397
1806-7	160	1836-7	232	1866-7	326	1903-1905	393
1807-8	165	1837-8	226	1867-8	330	1905-1907	391
1808-9	164	1838-9	247	1868-9	332	1907-1909	391
1809-10	171	1839-40	246	1869-70	334	1909-1911	387
						1911-1913	393

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NOTES TO TABLE OF QUALIFICATIONS FOR SUFFRAGE.

[1] The constitutions of some states enumerate among those who are excluded from the suffrage idiots, lunatics, persons under guardianship, and soldiers and sailors in the service of the United States. The provisions of the constitutions of other states granting the suffrage generally to persons possessing certain qualifications are interpreted as excluding idiots, lunatics, and other persons who are deemed incapable of exercising legal volition. Apparently the legislatures of most, if not all the states are held to be competent to prescribe by law such conditions to the exercise of the suffrage as registration before voting and use of a special form of ballot, which are deemed necessary and reasonable to protect the privilege, and to prevent impositions and other frauds.

[2] Declarant means a male person of foreign birth, who shall have declared his intention to become a citizen of the United States, conformably to the naturalization laws of the United States.

[3] "Immediately preceding the election at which he offers to vote."

[4] Poll tax must be paid on or before the first day of February next preceding the election. Poll tax is a general requirement, but the educational and property qualifications are alternatives.

[5] The property and educational qualifications given in the table apply to those who registered as electors after January 1, 1903. The constitution of 1901 provided that a person might register as an elector before December 20, 1902, if he (1) had served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the states, or in the war with Spain, or in the land or naval forces of the Confederate States, or of the state of Alabama in the war between the states; or (2) was the lawful descendant of such person; or (3) was of good moral character, and understood the duties and obligations of citizenship under a republican form of government.

A person so registered was to remain an elector during life.

[6] "Qualifications for voters at school elections shall be as are now, or as may hereafter be provided by law." (Const. Art. VII, Sec. 8.)

[7] "Who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election." (Const. Art. XXI.)

[8] "Provided no native of China shall ever exercise the privileges of an elector."

[9] Or by the treaty of Queretaro.

[10] "Provided that no person shall be denied the right to vote at any school election, or to hold any school district office, on account of sex." (Const. Art. VII, Sec. 1.) And "The general assembly may enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon." (Idem, Sec. 2.)

[11] "Upon all questions submitted to taxpayers, as such, of any municipal or other political subdivision of this state, the qualifications of such taxpayers as voters shall be those of age and residence prescribed by this article, and women taxpayers shall have the right to vote at all such elections, without registration, in person or by their agents authorized in writing; but all other persons voting at such elections shall be registered voters." (Const. Art. 199.)

[12] He must have paid his poll tax on or before the 31st day of December of each year for the two years preceding the year in which he offers to vote. (Const. Art. 198.)

[13] But those who were legal voters on January 1, 1867, or sons or grandsons of the same not less than twenty-one years of age at the date of the

adoption of the present state constitution (1898), and those naturalized prior to January 1, 1898, are not required to possess the educational or property qualification, provided they had resided in the state for five years preceding their registration, and registered prior to September 1, 1898.

[14] "Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, every woman having the qualifications of male electors who has property assessed for taxes in any part of the district or territory to be affected by the result of such election shall be entitled to vote thereon." (Const. p. 9, Art. 4.)

[15] "Any woman of the age of twenty-one (21) years and upward, and possessing the qualifications requisite to a male voter, may vote at any election held for the purpose of choosing any officer of schools or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries." (Const. Art. VII, Sec. 8.)

[16] "Who have adopted the customs and habits of civilization."

[17] "Persons of Indian blood residing in the state who have adopted the language, customs, and habits of civilization, and shall have been pronounced (by any district court of the state) capable of enjoying the rights of citizenship."

[18] "But any minister of the gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified." (Const. Art. 12, Sec. 241.)

[19] "Women shall be eligible to hold the office of county superintendent of schools or any school district office, and shall have the right to vote at any school district election." (Const. Art. IX, Sec. 10.)

[20] "The legislature shall provide by law for the payment of an annual poll tax . . . and . . . may, in its discretion, make such payment a condition to the right of voting." (Const. Art. II, Sec. 7.)

[21] "Every inhabitant of the state, etc." (Const., Part First, Art. II); "every male inhabitant, etc." (Const., Part Second, Art. XXVII.)

The statutory construction of what constitutes an inhabitant is found in Chap. 31, Sec. 8, of Pub. Stat. of N. H. (1901), which reads:

"No person shall be considered as dwelling or having his home in any town, for the purpose of voting or being voted for at any meeting, unless he shall have resided within such town six months next preceding the day of meeting.

[22] "Women possessing the qualifications prescribed in this section for male electors shall be qualified electors at all such school elections; provided that if a majority of the qualified voters of any school district shall, not less than thirty days before any school election, present a petition to the couny commissioners against woman suffrage in such district, the provisions of this section relating to woman suffrage shall be suspended therein, and such provision shall become again operative only upon the filing with said board of a petition signed by a majority of the qualified voters favoring the restoration thereof. The board of county commissioners shall certify the suspension or restoration of such suffrage to the proper school district." (Const. Art. VII, Sec. 1.)

[23] "On or before the first day of May of the year in which he proposes to vote." (Const. Art. VI, Sec. 4.)

[24] "Any woman having the qualifications enumerated in section 121 of this article as to age, residence, and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office." (Const. Art. V, Sec. 128.)

[25] The legislative assembly shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature

age and sound mind, not convicted of crime, without regard to sex; but no law extending or restricting the right of suffrage shall be in force until adopted by a majority of the electors of the state voting at a general election." (Const. Art. V, Sec. 122.)

[26] "And may prescribe penalties for failing, neglecting, or refusing to vote at any general election." (Const. Amends. Art. 2, Sec. 127.)

[27] "Until otherwise provided by law, all female citizens of this state, possessing like qualifications of male electors shall be qualified to vote at school district elections or meetings." (Const. Art. III, Sec. 3.)

[28] "But no person who was on January 1st, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person shall be denied the right to register and vote because of his inability to read and write sections of such constitution." (Const. Art. III, Sec. 4a.)

[29] "If twenty-two years of age or upward."

[30] "Provided that no person shall at any time be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at $134."

[31] "*Provided* that ministers in charge of an organized church, and teachers of public schools shall be entitled to vote after six months' residence in the state, otherwise qualified." (Const. Art. II, Sec. 4.)

[32] Prior to January 1, 1898, those who could read any section of the state constitution, or understand and explain it when read, were entitled to register, and after such registration were to remain during life qualified electors.

[33] "Any woman having the qualifications enumerated in Section 1 of this article as to age, residence, and citizenship, and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes, and may hold any office in the state except as otherwise provided in this constitution." (Const. Art. VII, Sec. 9.)

[34] "Or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents in satisfaction of the first year's poll tax assessable against him"; (Const. Art. II, Sec. 20.)

[35] "No person who, during the late war between the states, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote." (Const. Art. II, Sec. 22.)

[36] During the years 1902 and 1903 a person was eligible to register as an elector if he (1) had served in time of war in the army or navy of U. S., of the Confederate States, or any state of U. S., or of the Confederate States; or (2) was a son of such a person; or (3) owned property upon which he had paid at least $1 in taxes during the previous year; or (4) was able to read and give a reasonable explanation of any section of the state constitution, or, if unable to read such section, to understand and give a reasonable explanation of it when read. A person so registered was not required to register again, and might be aided in the preparation of his ballot by such officer of election as he should designate.

A person who registered after January 1, 1904, had to possess the qualifications outlined in the table.

[37] By amendment of 1896, but was not to affect the right of franchise of any person who was then a voter. "The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language." (Const. Amends. Art. VI, Sec. 1.)

[38] "Who have once been declared by law of Congress to be citizens of the United States, and civilized persons of Indian descent, not members of any tribe."

OFFENSES FOR WHICH THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION PRESCRIBE DISFRANCHISEMENT, OR FOR WHICH THEIR LEGISLATURES MAY ENACT LAWS PRESCRIBING DISFRANCHISEMENT, 1912.

Alabama—Treason, felony,[1] bribery, perjury, forgery, embezzlement, certain election misdemeanors, infamous crimes, larceny, malfeasance in office and miscegenation.[2]

Arizona—Treason,[3] felony.[3]

Arkansas—Felony.[4]

California—Bribery,* perjury,* forgery,* dueling, embezzlement or misappropriation of public moneys, infamous crimes,[5] malfeasance in office, or other high crimes.*

Colorado.[6]

Connecticut[7]—Bribery, perjury, forgery, dueling, fraudulent bankruptcy, infamous crimes,[8] larceny.[9]

Delaware[10]—Felony.[11]

Florida—Felony,[12] bribery, perjury, dueling, election wager, infamous crimes, larceny.

Georgia[13]—Treason, bribery, embezzlement of public funds, larceny, malfeasance in office.[14]

Idaho—Treason,[15] felony,[15] bribery,[15] embezzlement of public funds,[15] infamous crimes,[15] bigamy or polygamy.[16]

Illinois—Infamous crimes.[17]

Indiana—Infamous crimes.[18]

Iowa—Infamous crimes.

Kansas[19]—Treason,[20] felony,[21] bribery, defrauding United States or any of the states thereof.

Kentucky[22]—Treason, felony, bribery. See note [22].

Louisiana—See note [24].

Maine—Bribery.[25]

Maryland[26]—Bribery,[27] illegal voting,[27] infamous crimes, larceny.

Massachusetts.

Michigan.

Minnesota—Treason,[28] felony,[28] bribery,[29] perjury,[29] infamous crimes.[29]

Mississippi[30]—Bribery, perjury, forgery, dueling, embezzlement, larceny,[9] burglary, arson, obtaining money or goods under false pretences, bigamy.

Missouri—Felony,[31] election misdemeanors,[31] infamous crimes.[31]

Montana—Felony.[32]

Nebraska—Treason,[33] felony.[33]

Nevada—Treason,[34] felony,[34] bribery,[35] dueling, embezzlement or defalcation of public funds.[35]

New Hampshire.

New Jersey—Treason,[36] bribery,[37] perjury,[38] forgery,[39] larceny,[40] subornation of perjury, blasphemy, piracy, arson, rape, sodomy, polygamy, conspiracy, murder, "robbery."[41]

New Mexico—Felony,[42] infamous crimes.[43]

New York—Bribery,[44] election wager,[45] infamous crimes.[46]

North Carolina—Crimes punishable by imprisonment.[47]

North Dakota—Treason,[48] felony.[49]

Ohio—Bribery,[50] perjury,[51] infamous crimes.[52]

Oklahoma—Felony.[53]

Oregon—Felony.[1]

Pennsylvania—Bribery,[54] wilful violation of the election laws.[55]

Rhode Island—Bribery,[56] infamous crimes.[57]

South Carolina[57]—Bribery, perjury, forgery, crimes against the election laws, larceny, miscegenation.[58]

South Dakota—Treason,[59] felony.[60]

Tennessee—Bribery,[61] infamous crimes.[62]

Texas—Felony,[63] bribery,[64] perjury,[65] forgery,[66] dueling, other high crimes.[67]

Utah—Treason,[68] crime against the election franchise.[69]

Vermont—Bribery.[70]

Virginia[71]—Treason,[72] felony,[72] bribery,[72] perjury,[72] forgery,[72] dueling,[73] embezzlement,[72] petit larceny,[72] obtaining money or property under false pretences.[72]

Washington—Infamous crimes.[74]

West Virginia—Treason,[75] felony,[75] bribery.[75]

Wisconsin—Treason,[76] felony,[76] bribery,[77] dueling,[78] election wager,[79] infamous crimes,[80] larceny.[81]

Wyoming—Infamous crimes.[82]

NOTES TO TABLE OF OFFENSES.

[1] "Any crime punishable by imprisonment in the penitentiary." (Ala. Const. Art. VIII, Sec. 182.)

[2] Other offenses named are murder, arson, receiving stolen property, obtaining property or money under false pretenses, subornation of perjury, robbery, assault with intent to rob, burglary, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, crime against nature, vagrancy and tramping. The constitution also provides that "those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this constitution (1901)," shall be disqualified from voting. (Ala. Const. Art. VIII, Sec. 182.)

[3] "Unless restored to civil rights." (Arizona Const. Art. VII, Sec. 2.)

[4] No law shall be enacted whereby the right of suffrage shall be impaired or forfeited, except for the commission of a felony. (Ark. Const. Art. III, Sec. 2.)

[5] "The constitution expressly disfranchises for infamous crime, embezzlement or misappropriation of public money, and dueling, and says that laws shall be made to exclude from the right of suffrage persons con-

victed of the above starred crimes. (Cal. Const. Art. II, Sec. 1; Art. XX, Sec. 2; Art. XX, Sec. 11; Amend Art. II, Sec. 1 [1894].)

[6] "No person while confined in any public prison shall be entitled to vote, but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution." (Colo. Const. Art. VII, Sec. 10.)

[7] "The General Assembly shall have power, by a vote of two-thirds of the members of both branches, to restore the privileges of an elector to those who may have forfeited the same by a conviction of crime." (Conn. Const. Art. XVII, Amend.)

[8] "These crimes are treason, felony, and the *'crimen falsi,'* which term includes crimes which involve a charge of such falsehood as may injuriously affect the public administration of justice by the introduction therein of falsehood and fraud, such as forgery, perjury, subornation of perjury, and conspiracy to procure the absence of a witness."

[9] Theft is the term used in the constitution.

[10] The legislature may make the forfeiture of the right of suffrage a punishment for crime.

[11] The constitution of 1897 further provides that persons convicted of certain electoral misdemeanors therein enumerated, if males, shall be incapable of voting for a period of ten years. (Del. Const. Art. V, Sec. 7.)

[12] "Unless restored to civil rights." (Fla. Const. Art. VI, Sec. 4.)

[13] "Unless such person shall have been pardoned." (Ga. Const. Art. II, Sec. 2.)

[14] And any crime involving moral inturpitude, punishable by the laws of this state with imprisonment in the penitentiary. (Ga. Const. Art. II, Sec. 2.)

[15] And not restored to the rights of citizenship. (Idaho Const. Art. VI, Sec. 3.)

[16] The constitution disfranchises any person who practices, teaches, assists, counsels, aids, or encourages bigamy or polygamy, or belongs to or in any way aids a society which upholds that sort of doctrine. (Idaho Const. Art. VI, Sec. 3.)

[17] "The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes. (Ill. Const. Art. VII, Sec. 7.)

[18] "The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible any person convicted of an infamous crime." (Ind. Const. Art. II, Sec. 8.)

[19] No person who has been dishonorably discharged from the service of the United States is qualified to vote or hold office in Kansas unless reinstated.

[20] "No person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this state, until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the legislature." (Kans. Const. Art. V, Sec. 2.)

[21] "Unless restored to civil rights." (Kans. Const. Art. V, Sec. 2.)

[22] "But persons hereby excluded may be restored to their civil rights by executive pardon. (Ky. Const. Sec. 145.)

[23] "Such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage." (Ky. Const. Sec. 145.)

[24] Persons are not permitted to vote "who have been convicted of any crime punishable by imprisonment in the penitentiary, and not afterwards pardoned with express restoration of franchise." (La. Const. Art. 202.)

[25] Since 1876 "the legislature may enact laws excluding from the right of suffrage for a term not exceeding ten years," for this crime at any election. (Me. Const. Art. IX, Sec. 13.)

[26] "No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this state." (Md. Const. Art. I, Sec. 2.)

[27] These crimes forever disqualify for voting. (Md. Const. Art. I, Sec. 3.)

[28] "Unless restored to civil rights." (Minn. Const. Art. VII, Sec. 2.)

[29] "The legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or other infamous crime." (Minn. Const. Art. IV, Sec. 15.)

[30] "The legislature may by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays." (Miss. Const. Art. XII, Sec. 253.)

[31] "The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of suffrage." (Mo. Const. Art. VIII, Sec. 10.)

[32] Unless pardoned. (Mont. Const. Art. IX, Sec. 2.)

[33] "Under the law of the state, or of the United States, unless restored to civil rights." (Neb. Const. Art. VII, Sec. 2.)

[34] "In any state or territory of the United States, unless restored to civil rights." (Nev. Const. Art. II, Sec. 1.)

[35] The constitution of Nevada, Art. IV, Sec. 10, makes ineligible for office persons convicted of embezzlement, or defalcation of public funds, or bribery, and provides that the legislature shall as soon as practicable make these crimes punishable as felonies; and by Art. II, Sec. 1, felony disfranchises.

[36] The constitution of New Jersey, Art. II, Sec. 1, says that "no person convicted of a crime which excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector." The laws of the state make persons convicted of the tabulated crimes incompetent as witnesses, and if the crime is perjury a pardon does not remove the incompetency.

[37] "The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery. (N. J. Const. Art. II, Sec. 2.)

[38] "Unless restored to political rights." (N. M. Const. Art. VII, Sec. 1.)

[39] "The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or any infamous crime." (N. Y. Const. Art. II, Sec. 2.)

[40] Disfranchises "*at such election*," as do all corrupt offers to give or receive money or other valuable thing for a vote, in both New York and Pennsylvania.

[41] "No person who has been convicted, or who has confessed his guilt in open Court upon indictment, of any crime, the punishment of which now is, or may hereafter be imprisonment in the state's prison shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law." (N. C. Const. Art. VI, Sec. 2.)

[42] Unless restored to civil rights. (N. D. Const. Art. II (Amend.), Sec. 127.)

[43] "The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime. (Ohio Const. Art. V, Sec. 4.)

[44] Subject to such exceptions as the legislature may prescribe, and unless citizenship shall have been restored in the manner provided by law. (Okla. Const. Art. III, Sec. 1.)

[45] Any person convicted of this offense "shall in addition to any penalties provided by law be deprived of the right of suffrage absolutely for a term of four years." (Pa. Const. Art. VIII, Sec. 9.)

[46] Until expressly restored thereto by act of the General Assembly. (R. I. Const. Art. II, Sec. 4.)

[47] "Provided that the pardon of the Governor shall remove such disqualifications." (S. C. Const. Art. II, Sec. 6.)

[48] Other crimes mentioned include burglary, arson, obtaining goods or money under false pretenses, robbery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, and assault with intent to ravish. (S. C. Const. Art. II, Sec. 6.)

[49] "Unless restored to civil rights." (S. D. Const. Art. VII, Sec. 3.)

[50] "Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct, and any person who shall directly or indirectly give, promise, or bestow any such reward to be elected shall thereby be rendered incapable, for six . . . years, to serve in the office for which he was elected, and to be subject for such further punishment as the legislature shall direct." (Tenn. Const. Art. X, Sec. 3.)

[51] "Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes." (Tenn. Const. Art. IV, Sec. 2.)

[52] "Subject to such exceptions as the legislature may make." (Tex. Const. Art. VI, Sec. 1.)

[53] Laws shall be made to exclude from the right of suffrage persons convicted of these crimes. (Tex. Const. Art. XVI, Sec. 2.)

[54] "Unless restored to civil rights." (Utah Const. Art. IV, Sec. 6.)

[55] "Any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise shall forfeit his right to elect at that time, and shall suffer such other penalties as the law shall direct; and any person who shall directly or indirectly, give, promise, or bestow any such rewards to be elected shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishmnt as a future legislature shall direct." (Vt. Const. Chap. II, Sec. 34.)

[56] "Persons who, prior to the adoption of this constitution (1902) were disqualified from voting by conviction of crime, either within or without the state, and whose disabilities shall not have been removed," are "excluded from registering and voting." (Va. Const. Art. II, Sec. 23.)

[57] "Convicted after the adoption of this constitution (1902), either within or without this state," of these crimes. (Va. Const. Art. II, Sec. 23.)

[58] "While citizens of this state, after the adoption of this constitution (1902) . . . either within or wfthout this state." (Va. Const. Art. II, Sec. 23.) "The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under Section Twenty-three, of Article Two, of this Constitution, with reference to dueling." (Idem, Art. IV, Sec. 57.)

[59] "Unless restored to their civil rights." (Wash. Const. Art. VI, Sec. 3.)

[60] "No person who is under conviction of treason, felony, or bribery in an

election shall be permitted to vote *while such disability continues.*" (Const. of W. Va., Art. IV, Sec. 1.) This phrase, "while such disability continues," has not received judicial interpretation in West Virginia, but is construed by election officers to mean *during imprisonment.*

[a] "Unless restored to civil rights." (Wis. Const. Art. III, Sec. 2.)

[aa] "Laws may be passed excluding from the right of suffrage all persons who have been convicted of bribery, or larceny, or any infamous crime, and depriving every person who shall make, or become directly interested in any bet or wager depending upon the result of any election, from the right to vote at such election." (Wis. Const. Art. III, Sec. 6.)

[aa] Forever disqualifies as an elector. (Wis Const. Art. XIII, Sec. 2.)

[aa] "Unless restored to civil rights." (Wyo. Const. Art. VI, Sec. 6.)

In addition to the persons who are disfranchised for the offenses named in the foregoing table, the constitutions of many states expressly exclude the following classes of persons, or some of them: idiots, lunatics, persons under guardianship, paupers, persons excused from paying taxes upon their own request, soldiers and sailors in the service of the United States, Indians not taxed, and, in a few states, natives of China.

METHODS PRESCRIBED BY THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION FOR THEIR REVISION AND AMENDMENT.

STATE	Amendments are submitted by	When present constitution was adopted	Specific requirements.
Alabama	Legislature	1901	Three fifths of all the members elected to each house may submit amendments. Majority of those voting at the election ratifies.
Arizona	Legislature and initiative	1911	Majority of the members elected to each house or the people by initiative (15% of votes for office of Governor) may submit amendments. Majority of those voting on the question ratifies.
Arkansas	Legislature and initiative	1874	Majority of all the members elected to each house or the people by initiative (8% of votes cast for office of Governor) may submit amendments. Majority of those voting at the election, when amendments are submitted by the legislature, majority of those voting on the question, when amendments are submitted by initiative, ratifies.
California	Legislature and initiative	1897	Two thirds of all the members elected to each house or the people by initiative (8% of votes cast for office of Governor) may submit amendments. Majority of those voting on the question ratifies.

Colorado	Legislature and initiative	1876	Two thirds of all the members elected to each house or the people by initiative (8% of votes cast for office of Secretary of State) may submit amendments. Majority of those voting on the question ratifies.
Connecticut	Legislature	1818	Majority of the House may propose amendments, which, when affirmed by two thirds of each house of the next legislature, are submitted to the people. Majority of the electors present (voting) at town meetings warned for that purpose ratifies.
Delaware	Legislature	1897	Two thirds of all the members elected to each house may propose amendments, which, when affirmed by two thirds of all the members elected to each house of the legislature after the next general election, become valid without ratification by the voters.
Florida	Legislature	1885	Three fifths of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Georgia	Legislature	1877	Two thirds of the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Idaho	Legislature	1889	Two thirds of all the members of each house may submit amendments. Majority of the electors ratifies.
Illinois	Legislature	1870	Two thirds of all the members elected to each house may submit amendments. Majority of those voting at the election ratifies.

METHODS PRESCRIBED BY THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION FOR THEIR REVISION AND AMENDMENT.—*Continued.*

STATE	Amendments are submitted by	When present constitution was adopted	Specific requirements.
Indiana	Legislature	1851	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature chosen at the next general election, are submitted to the people. Majority of the electors ratifies.
Iowa	Legislature	1857	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature chosen at the next general election, are submitted to the people. Majority of those voting on the question ratifies.
Kansas	Legislature	1859	Two thirds of all the members elected to each house may submit amendments. Majority of those voting on question ratifies.
Kentucky	Legislature	1891	Three fifths of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.

Louisiana	Legislature	1898	Two thirds of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Maine	Legislature	1819	Two thirds of both houses may submit amendments. Majority of those voting on the question ratifies.
Maryland	Legislature	1867	Three fifths of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Massachusetts	Convention until 1821, then legislature	1780	Majority of the Senators and two thirds of the members of the House present and voting may propose amendments, which, when affirmed by a like majority in each house of the legislature next chosen, are submitted to the people. Majority of those voting on the question ratifies.
Michigan	Legislature and initiative	1850 Revised 1908	Two thirds of the members elected to each house or the people by initiative (20% of votes cast for office of Secretary of State) may submit amendments. Majority of those voting on the question ratifies.
Minnesota	Legislature	1857	Majority of both houses may submit amendments. Majority of those voting at the election ratifies.
Mississippi	Legislature	1890	Two thirds of each house may submit amendments. Majority of those voting at the election ratifies.
Missouri	Legislature and initiative	1875	Majority of the members elected to each house or the people by initiative (number to be fixed by the legislature at not more than 8% of voters in each of at least two thirds of the congressional districts in the state, based on votes cast for office of justice of the supreme court) may submit amendments. Majority of those voting on the question ratifies.

METHODS PRESCRIBED BY THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION FOR THEIR REVISION AND AMENDMENT.—*Continued.*

STATE	Amendments are submitted by	When present constitution was adopted	Specific requirements.
Montana	Legislature	1889	Two thirds of the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Nebraska	Legislature[1]	1875	Three fifths of the members elected to each house may submit amendments. Majority of those voting at the election ratifies.
Nevada	Legislature[1]	1864	Majority of all the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature next chosen, are submitted to the people. Majority of those voting on the question ratifies.
New Hampshire	Convention	1784	The sense of the people upon calling a convention shall be taken every 7 years, and if a majority of the qualified voters present and voting at meetings called for that purpose approve it the General Court shall call a convention to revise the constitution. All proposed amendments must be submitted to the people and approved by two thirds the qualified voters present and voting on the subject.

[1] A proposal to introduce method of amending by initiative is to be voted upon November, 1912.

New Jersey	Legislature	1844	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature next chosen, are submitted to the people. Majority of those voting on the question at a special election held for that purpose only ratifies.
New Mexico	Legislature	1911	Majority of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.[1]
New York	Legislature	1894	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature chosen at the next general election of Senators, are submitted to the people. Majority of those voting on the question ratifies.
North Carolina	Legislature	1876	Three fifths of each house may submit amendments. Majority of the votes cast ratifies.
North Dakota	Legislature[2]	1889	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature chosen at the next general election, are submitted to the people. Majority of those voting on the question ratifies.

[1] Provided that no amendment shall apply to or affect Sec. 1 and 3 of Article VII, Sec. 8 and 10 of Article XII, unless submitted by three fourths of the members elected to each house, and ratified by at least three fourths of the electors voting in the whole state and at least two thirds of those voting in each county in the state.

Also the provisions of Sec. 1 of Article XIX (relating to method of amending the constitution) shall not be amended except through a general convention called to revise the constitution. (Constitution of N. M. p. 33.)

[2] A proposal to introduce method of amending by initiative was passed by the legislature at the last session, and if affirmed by the next legislature will be voted upon by the people in 1914.

METHODS PRESCRIBED BY THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION FOR THEIR REVISION AND AMENDMENT.—*Continued.*

STATE	Amendments are submitted by	When present constitution was adopted	Specific requirements.
Ohio	Legislature	1851	Three fifths of the members elected to each house may submit amendments. Majority of those voting at the election ratifies.
Oklahoma	Legislature and initiative	1907	Majority of all the members elected to each house or the people by initiative (15% of highest number of votes cast for any state office) may submit amendments. Majority of those voting at the election ratifies.
Oregon	Legislature and initiative	1857	Majority of all the members elected to each house or the people by initiative (8% of the votes cast for justice of the supreme court) may submit amendments. Majority of those voting on the question ratifies.
Pennsylvania	Legislature	1873	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of the members elected to each house of the legislature next chosen, are submitted to the people. Majority of those voting on the question ratifies.

Rhode Island	Legislature	1842	Majority of all the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature next chosen, are submitted to the people. Three fifths of those voting on the question ratifies.
South Carolina	Legislature	1895	Two thirds of the members elected to each house may propose amendments, which are submitted to the people at the next general election for Representatives. Amendments become valid when favored by a majority of those voting on the question and approved by a majority of each house of the next legislature.
South Dakota	Legislature	1889	Majority of the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Tennessee	Legislature	1870	Majority of all the members elected to each house may propose amendments, which, when affirmed by two thirds of all the members elected to each house of the legislature next chosen, are submitted to the people. Majority of those voting for Representatives at the election ratifies.
Texas	Legislature	1895	Two thirds of all members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Utah	Legislature	1876	Two thirds of all the members elected to each house may submit amendments. Majority of those voting on the question ratifies.

METHODS PRESCRIBED BY THE CONSTITUTIONS OF THE SEVERAL STATES OF THE UNION FOR THEIR REVISION AND AMENDMENT.—*Concluded.*

STATE	Amendments are submitted by	When present constitution was adopted	Specific requirements.
Vermont	Legislature	1793	Two thirds of the members of the Senate may propose amendments,[1] which, if concurred in by a majority of the members of the house, are referred to the legislature next chosen, and if then affirmed by a majority of the members of each house, are submitted to the people. Majority of those voting on the question ratifies.
Virginia	Legislature	1902	Majority of the members elected to each house may propose amendments, which are referred to the legislature at its first regular session after the next general election of Representatives, and if then affirmed by a majority of all the members elected to each house, are submitted to the people. Majority of those voting on the question ratifies.
Washington	Legislature	1889	Two thirds of the members elected to each house may submit amendments. Majority of those voting on the question ratifies.

[1] At the session of the General Assembly, 1880, and at the session thereof every tenth year thereafter, the Senate may propose amendments.

West Virginia	Legislature	1872	Two thirds of the members elected to each house may submit amendments. Majority of those voting on the question ratifies.
Wisconsin	Legislature	1848	Majority of the members elected to each house may propose amendments, which, when affirmed by a majority of all the members elected to each house of the legislature chosen at the next general election, are submitted to the people. Majority of those voting on the question ratifies.[1]
Wyoming	Legislature[2]	1889	Two thirds of all the members of each house may submit amendments. Majority of the electors ratifies.

[1] The legislature of 1911 proposed an additional and complicated method, involving the initiative, of amending the constitution, which has been referred to the next legislature.

[2] A proposal to introduce the method of amending the constitution by the initiative was approved by the legislature, and is to be voted upon November, 1912.

NUMBER OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES IN THE LEGISLATURE OF THE SEVERAL STATES OF THE UNION, 1912.

STATES.	Senate.	House.
Maine	31	151
New Hampshire	24	390
Vermont	30	246
Massachusetts	40	240
Rhode Island	38	72
Connecticut	35	255
New York	51	150
New Jersey	21	60
Pennsylvania	50	207
Delaware	17	35
Maryland	27	101
Virginia	40	100
West Virginia	30	87
North Carolina	50	120
South Carolina	42	124
Georgia	44	184
Florida	32	68
Kentucky	38	100
Tennessee	33	99
Alabama	35	106
Mississippi	45	136
Arkansas	35	100
Louisiana	42	115
Texas	31	133
Oklahoma	44	109
Ohio	34	117
Indiana	50	100
Illinois	51	153
Michigan	32	100
Wisconsin	33	100
Minnesota	63	119
Iowa	50	108
Missouri	34	142
Kansas	40	125
Nebraska	33	100
South Dakota	45	104
North Dakota	47	99

STATES.	Senate.	House.
Montana	27	73
Idaho	23	51
Wyoming	27	56
Colorado	35	65
New Mexico	24	49
Arizona	19	35
Utah	18	45
Nevada	19	48
California	40	80
Oregon	30	60
Washington	42	96